

Historical Relations:

O R, A

DISCOVERY

Of the true

CAUSES

Why *IRELAND* was never
entirely S U B D U E D,

Nor brought under O B E D I E N C E of the
Crown of *ENGLAND*, until the
Beginning of the Reign of King JAMES
the First.

The THIRD EDITION.

Dedicated to the KING by Sir *JOHN DAVIS*, Kt. His
then Majesty's Attorney-General of *IRELAND*.

Principis est Virtus Maxima, nosse suos.

D U B L I N:

Printed for MATT. WILLIAMSON, at the *Golden-Ball*,
opposite *Sycamore-Alley*, in *Dame-Street*.

M,DCC,LI.



TO THE
Right Honourable
THE
EARL
OF
BARRYMORE.

My LORD,

B EING thoroughly convinced of your Lordship's concern for the Welfare of this Kingdom, by your Publick Behaviour, whenever your Voice in Parliament could in the least contribute to its Interest; I think my self obliged in Gratitude, to place your Name before a

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most excellent Piece of History, written by that great Man, Sir *John Davis*, which indeed gives a truer Light into our Constitution, than any other Treatise extant, upon the same Subject. From hence the *Protestants* of this Nation may see the Reason, why they have been several Times, and unavoidably made almost equal Sufferers in every Rebellion; and by comparing the present State of this Kingdom with that of those Times, may have Reason to hope for such a Share of Liberty, as is due to the most loyal, and faithful Subjects; now that all Dangers to the State, and Plots against it, from the original Natives, are utterly impossible to succeed. For the *Irish* are now, in the same Condition with the *Jews*, no more a People; and as much disqualified to do any hurt, as a Body without Head and Arms. For which Reason, I do humbly presume, if an humble and impartial Representation of our Condition were laid before our most gracious Sovereign, by the *Lords* and *Commons* of this Kingdom, now assembled in Parliament, it is not in the least

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to be doubted, but he would be graciously pleased to have our Grievances Redressed, by recommending us to the Consideration of his *British* Parliament, who are humane, and willing enough at all Times, to repeal any Acts of their own, whereby the meanest Colony in *America* may suffer, upon proper Application made to them. If then they shew so much Regard to the Offscourings of the People from these remote Parts of the World, have we not good Reason to hope for, at least the same Indulgence, if not a greater, who are a People of such Consequence, so nearly allied to the Subjects of *England*, in Religion, Laws, Descent, Situation ; and every other Circumstance, which should unite us, as Members of the same Body, without Distinction. It is therefore natural to conclude, that we might have the like Success, upon the like Application. But, my Lord, as no Representation hath yet been made by you of the Nobility, and Gentry of this Kingdom, his Majesty and People of *Great-Britain* are not obliged to grant

D E D I C A T I O N.

grant Favours, which have not been yet sued for ; or to take off Burthens, which we rather seem willing to bear (as they must imagine) because they hear none of our Complaints, at a proper Time and Place, and by Persons of Distinction to carry them. All I dare venture to say upon an Occasion so important, is to recommend to the Consideration of your *Lordship*, and of such as you can influence, to think of some Methods, whereby we may recover a little Life to our Trade, and some Share of the Preferments for the younger Sons of Gentlemen here, as they grow up in Years to be ripe for them, not only as natural Justice requires, but as a Reward of their Expences and Labour, at our University ; from which Place many a worthy young Gentleman falleth forth, and may be a great Number of Years in the Church, before any one of them (except by great Chance) can refund himself the smallest Article of his Expences.

My

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My Lord, as I have had the Honour to Educate a Number of the young Nobility, and Gentry of this Kingdom, I cannot be justly censured, if I express a kind of Paternal Concern, to see so many of them laid aside, after passing their Studies in our *College*, with the closest Application, to qualify themselves for the Service of their Religion, their King, and their Country, as if they had neither Head, nor Hands. And I cannot but again repeat my Grief, when I reflect upon the present Condition of my former *Greek Tragedians* (who acquitted themselves with Applause before several good Judges from *England*, at several Times, among whom I have the Honour to name the learned Lord *Carteret*) when I now behold those, who then shined in all the Pomp of Kings and Princes, no higher than Curates of forty Pounds a Year; and what is deplorable, likely to continue so, if the *Lords* and *Commons*, now in Parliament assembled, do not address our most Gracious Sovereign in Behalf of those young Gentlemen, and others of

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of the same Qualifications, Rank, and Quality, who, I am confident, would think it their greatest Happiness, to have an Opportunity of shewing their Skill, and Zeal in the Support of our Religion, the Service of His *Majesty*, and consequently the Interest of this Kingdom, whensoever any Place of Honour, and Trust, shall be conferred upon them.

If among other things, the great Services done by us for the *Protestant-Cause* in the late Revolution here, were laid before his *Majesty*, and how far many of our brave Natives were afterwards engaged, to the frequent Hazard of their Lives, and the Diminution of their Fortunes here at home, during the long Wars in *Flanders*; and likewise in *Spain*, where your *Lordship* distinguished your self among many Dangers and Hardships, all which contributing greatly to the Power and Interest of *Great-Britain*, I am certain they could not reasonably deny the Rewards due to so great Merit. And I am almost perswaded, that no brave-hearted *English-man* would give his

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his Vote against encouraging us, when he rightly considers, that a narrow Sea between us, ought not to make so wide a Difference.

This, my Lord, I believe no Person has more at Heart than your *Lordship*, and therefore in the Name of all true Patriots, I offer up my humble Petition for *poor Ireland*; at the same time, as in Duty bound, wishing your *Lordship*, and all other true Friends to its Interest, both in *Church, and State*, Success, and Happiness.

I remain, my Lord, with the highest Respect, Your *Lordship's*

Most Obedient,

and Dutiful

Humble Servant,

Thomas Sheridan.

302 *Journal*

Geological Map of the United States

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DISCOVERY

OF THE

True Causes why *IRELAND* was never entirely subdued, nor brought under Obedience of the Crown of *ENGLAND*, until the Beginning of the Reign of King *JAMES* the First.



URING the time of my Service in *Ireland* (which began in the first Year of His Majesty's Reign) I have visited all the Provinces of that Kingdom, in sundry Journies and Circuits; wherein I have observed the good Temperature of the Air, the Fuitfulness of the Soil, the pleasant and commodious Seats for Habitation, the safe and large Ports and Havens lying open for Traffick into all the Western Parts of the World; the long Inlets of many navigable Rivers, and so many

great Lakes, and fresh Ponds within the Land, (as the like are not to be seen in any part of *Europe*) the rich Fishings, and wild Fowl of all kinds; and lastly, the Bodies and Minds of the People, endued with extraordinary Abilities of Nature.

The Observation whereof hath bred in me some Curiosity to consider what were the true Causes why this Kingdom, whereof our Kings of *England* have born the Title of Sovereign Lords, for the space of 400 and odd Years (a Period of Time wherein divers great Monarchies have risen from Barbarism to Civility, and fallen again to Ruin) was not in all that space of Time, thoroughly subdued and reduced to Obedience of the Crown of *England*, altho' there hath been almost a continual War between the *English* and the *Irish*; and why the Manners of the meer *Irish* are so little alter'd since the Days of King *Henry* the Second, as appeareth by the Description made by *Giraldus Cambrensis*, (who lived and wrote in that time) albeit, there have been since that time so many *English* Colonies planted in *Ireland*, as that, if the People were numbred at this Day by the Poll, such as are descended of *English* Race would be found more in Number than the ancient Natives.

And truly upon Consideration of the Conduct and Passage of Affairs in former times, I find that the State of *England* ought to be cleared of an Imputation which a vulgar Error hath cast upon it in one Point; namely, *That Ireland long since might have been subdued and reduced to Civility, if some Statesmen in Policy had not thought it more fit to continue that Realm in Barbarism*. Doubtless, this vulgar Opinion (or Report) hath no true Ground, but did first arise either out of Ignorance, or out of Malice; for it will appear by that which shall hereafter be laid down in this Discourse, that ever since our Nation had any Footing in this Land, the State of *England* did earnestly desire, and did accordingly endeavour from time to time, to perfect the Conquest of this Kingdom, but that in every Age there were found such Impediments

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and Defects in both Realms, as caused almost an Impossibility that Things should have been otherwise than they were.

The Defects which hindred the Perfection of the Conquest of *Ireland*, are of two kinds, and consisted, first, *In the faint Prosecution of the War*; and next, *In the looseness of the Civil Government*. For the Husbandman must first break the Land before it be made capable of good Seed: and when it is thoroughly broken and manured, if he do not forthwith cast good Seed into it, it will grow wild again, and bear nothing but Weeds. So a barbarous Country must be first broken by a War, before it will be capable of good Government; and when it is fully subdued and conquered, if it be not well planted and governed after the Conquest, it will oftentimes return to the former Barbarism.

Touching the Carriage of the Martial Affairs, from the seventeenth Year of King *Henry the Second*, when the first Overture was made for the Conquest of *Ireland*, (I mean, the first after the *Norman Conquest of England*) until the Nine-and-thirtieth Year of Queen *Elizabeth*, when that Royal Army was sent over to suppress *Tyrone's Rebellion*, which made in the end an universal and absolute Conquest of all the *Irishry*: It is most certain, that the *English Forces* sent hither, or raised here from time to time, were ever too weak to subdue and master so many warlike Nations (or *Septs*) of the *Irish* as did possess this Island; and besides their Weakness, they were ill paid, and worse governed. And if at any time there came over an Army of competent Strength and Power, it did rather terrifie, than break and subdue this People, being ever broken and disolved by some one Accident or other, before the Perfection of the Conquest.

For, that I call a perfect Conquest of a Country, which doth reduce all the People thereof to the Condition of Subjects: and those I call Subjects, which are govern'd by the ordinary Laws and Magistrates of the Sovereign. For though the Prince doth bear the Title of Sovereign Lord of an entire Country, (as our Kings did of all

Ireland) yet if there be two third parts of that Country wherein he cannot punish Treasons, Murders, or Thefts, unless he send an Army to do it ; if the Jurisdiction of his ordinary Courts of Justice doth not extend into those Parts to protect the People from Wrong and Oppression ; if he have no certain Revenue, no Escheates or Forfeitures out of the same, I cannot justly say that such a Country is wholly conquered.

First then, that we may judge and discern whether the English Forces in *Ireland* were at any time of sufficient Strength to make a full and final Conquest of that Land, let us see what extraordinary Armies have been transmitted out of *England* thither, and what ordinary Forces have been maintained there, and what Service they have performed from time to time, since the seventeenth Year of King of *Henry* the Second.

In that Year, *Mac Murugh* Lord of *Leinster*, being oppressed by the Lords of *Meath* and *Connaught*, and expelled out of his Territory, moved King *Henry* the second to invade *Ireland*, and made an Overture unto him for the obtaining of the Sovereign Lordship thereof : The King refused to undertake the War himself, to avoid the Charge (as King *Henry* the seventh refused to undertake the Discovery of the *Indies* for the same Cause) but he gave Licence by his Letters Patents, that such of his Subjects might pass over into *Ireland*, as would at their own Charge become Adventurers in that Enterprize.

So as the first Attempt to conquer this Kingdom was but an Adventure of a few private Gentlemen. *Fitz-Stephen* and *Fitz-Gerald* first brake the Ice, with a Party of three hundred and ninety Men : The Earl *Strongbow* followed them with twelve hundred more, whose good Success upon the Sea coasts of *Leinster* and *Munster* drew over the King in Person the next Year after, *cum quinquecentibus Militibus*, as *Giraldus Cambrensis* reporteth, who was present in *Ireland* at that time. Which, if they were but five hundred Soldiers, seemeth too small a Train for so great a Prince. But admit they were five hundred Knights, yet because in those Days every Knight was

not

not a Commander of a Regiment, or Company, but most of them served as private Men, (sometimes a hundred Knights under a Spear) as appeareth by the Lists of the ancient Armies, we cannot conjecture his Army to have been so great, as might suffice to conquer all *Ireland*, being divided into so many Principalities, and having so many *Hydra's Heads*, as it had at that time.

For albeit, *Tacitus* in the Life of *Agricola* having subdued the greatest Part of *Great-Britain*, did signify to the Senate of *Rome*, that he thought *Ireland* might also be conquered with one Legion, and a few Aids: I make no doubt, but that if he had attempted the Conquest thereof with a far greater Army, he would have found himself deceived in his Conjecture. *For, a barbarous Country is not so easily conquered as a Civil, whereof Cæsar had Experience in his Wars against the Gaules, Germans, and Britains, who were subdued to the Roman Empire, with far greater Difficulty than the rich Kingaoms of Asia. And again, a Country possessed with many petty Lords and States, is not so soon brought under entirely, as an entire Kingdom governed by one Prince or Monarch. And therefore, the late King of Spain could sooner win the Kingdom of Portugal, than reduce the States of the Low-Countries.*

But let us see the Success of King *Henry the second*: Doubtless his Expedition was such, as he might have said with *Cæsar*, *Veni, vidi, vici*. For, upon his first Arrival, his very Presence, without drawing his Sword, prevailed so much, as all the petty Kings, or great Lords within *Leinster*, *Connaught*, and *Munster*, submitted themselves unto him; promising to pay him Tribute, and acknowledge him their Chief and Sovereign Lord. Besides, the better to assure this inconstant Sea-Nymph, who was so easily won, the Pope would needs give her unto him with a Ring, *Conjugio jungam stabili, propriamque dicabo*. But as the Conquest was but slight and superficial, so the Pope's Donation, and the *Irish* Submissions, were but weak and fickle Assurances: For as the Pope had no more Interest in this Kingdom, than *He* which offered

ferred to Christ all the Kingdoms of the Earth; so the *Irish* pretend, *That by their Law, a Tanist might do no Act that might bind his Successor.* But this was the best Assurance he could get from so many strong Nations of People with so weak a Power: and yet he was so well pleased with this Title of the Lordship of *Ireland*, as he placed it in his Royal Stile, before the Dutches of *Normandy* and *Aquitaine*. And so being advertised of some Stirs raised by his unnatural Sons in *England*, within five Months after his first Arrival, he departed out of *Ireland*, without striking one Blow, or building one Castle, or planting one Garrison among the *Irish*: neither left he behind him one true Subject more than those he found there at his coming over, which were only the *English* Adventurers spoken of before, who had gained the Port Towns in *Leinster* and *Munster*; and possessed some Scopes of Land thereunto adjoining, partly by *Strongbow's* Alliance with the Lord of *Leinster*, and partly by plain Invasion and Conquest.

And this is that Conquest of King *Henry* the second, so much spoken of by so many Writers; which, though it were in no other manner than is before expressed, yet is the entire Conquest of all *Ireland* attributed unto him.

But the Truth is, the Conquest of *Ireland* was made by piece and piece, by slow Steps and Degrees, and by several Attempts, in several Ages. There were sundry Revolutions, as well of the *English* Fortunes, as of the *Irish*; sometimes one prevailing, sometimes the other; and it was never brought to a full Period till his Majesty that now is, came to the Crown.

As for King *Henry* the second, he was far from obtaining that Monarchy Royal, and true Sovereignty which his Majesty (who now reigneth) hath over the *Irish*. For the *Irish* Lords did only promise to become Tributaries to King *Henry* the second; and such as pay only Tribute, though they be placed by *Bodin* in the first Degree of subjection, are not properly Subjects, but Sovereigns. For though they be less and inferior unto the Prince to whom they pay Tribute, yet they hold all other Points of Sovereignty; and having paid their Tribute, which they promised,

mised, to have their Peace, they are quit of all other Duties, as the same *Bodin* writeth. And therefore, though King *Henry* the second had the Title of Sovereign Lord over the *Irish*, yet did he not put those things in Execution, which are the true Marks and Differences of Sovereignty.

For to give Laws unto a People, to institute Magistrates and Officers over them, to punish and pardon Malefactors, to have the sole Authority of making War and Peace, and the like, are the true Marks of Sovereignty; which King *Henry* the second had not in the *Irish* Countries, but the *Irish* Lords did still retain all these Prerogatives to themselves.

For they governed their People by the *Brehon* Law, they made their own Magistrates and Officers, they pardoned and punish'd all Malefactors within their several Countries, they made War and Peace one with another without Controulment; and this they did, not only during the Reign of King *Henry* the second, but afterwards in all Times, even until the Reign of Queen *Elizabeth*: and it appeareth what manner of Subjects these *Irish* Lords were, by the Concord made between King *Henry* the second, and *Roderick o Connor* the *Irish* King of *Connaught*, in the Year 1175, which is recorded by *Hoveden* in this Form: *Hic est finis & Concordia, inter Dominum Regem Angliae, Henricum, filium Imperatricis, & Rodericum Regem Conauctae, scilicet, quod Rex Angliae concessit praedicti Roderico Ligeo homini suo, ut sit Rex sub eo paratus ad servitium suum, ut homo suus, &c.* And the Commission whereby King *Henry* the second made *William Fitz-Adelme* his Lieutenant of *Ireland*, hath this Direction; *Archiepiscopis, Episcopis, Regibus, Comitibus, Baronibus, & omnibus fidelibus suis in Hibernia, Salutem.* Whereby it is manifest, that he gave those *Irish* Lords the Title and Stile of Kings.

King *John* likewise did grant divers Charters to the King of *Connaught*, which remain in the Tower of *London*. And afterwards, in the time of King *Henry* the third, we find in the Tower a Grant made to the King of *Thomond* in these Words. *Rex Regi Toscmonde Salutem. Concessimus vobis*

vobis terram Tosmond quam prius tenuistis, per firmam centum & triginta marcarum; Tenendum de nobis usque ad etatem nostram. And in the Pipe Rolls remaining in Birmingham's Tower, in the Castle of Dublin, upon sundry Accounts of the Seneschal of Ulster (when that Earldom was in the King's Hands by reason of the Minority of the Earl) the Entry of all such Charges as were made upon Oneale for Rent-Beeves, or for Aids towards the Maintenance of the King's Wars, are in this Form: *Oneale Regulus, 400 vaccas pro arreragio reddit; O Neale Regulus, 100. li. de Auxilio Domini Regis ad guerram suam in Wasconia sustinendam.* And in one Roll the 36th of Henry the third, *Oneale Rex, 100. li. de auxilio Domini Regis ad guerram suam in Wallia sustinendam.* Which seemed strange to me, that the King's Civil Officer shou'd give him that Stile upon Record, unless he meant it in that Sense as Maximilian the Emperor did, when speaking of his disobedient Subjects: *The Title (said he) of Rex Regum, doth more properly belong to me, than to any mortal Prince, for all my Subjects do live as Kings, they obey me in nothing, but do what they list.* And truly, in that sense these Irish Lords might not unfitly be term'd Kings. But to speak in proper terms, we must say with the Latin Poet, *Qui est Rex, Regnum maxime non habeat.* But touching these Irish Kings, I will add this Note out of an ancient Manuscript, the black Book of Christ-Church in Dublin, *Isti Reges non fuerunt ordinati solemnitate alicujus ordinis, nec unctionis Sacramento, nec jure hereditario, vel aliqua proprietatis successione, sed vi & armis quilibet Regnum suum obtinuit;* and therefore they had no just cause to complain, when a stronger King than themselves became a King and Lord over them. But let us return to our purpose, and see the Proceeding of the Martial Affairs.

King Henry the second being returned into England, gave the Lordship of Ireland (surnamed before that time *Sans Terre*) unto the Lord John, his youngest Son: And the Pope confirming that Gift, sent him a Crown of Peacock's Feathers (as Pope Clement the Eighth sent the Feather of a Phoenix, as he call'd it, to the Traitor Tyrone.) This young Prince, the King's Son, being but twelve

Years

Years of Age, with a Train of young Noblemen and Gentlemen, to the Number of 300, but not with any main Army, came over to take Possession of his new Patrimony ; and being arrived at *Waterford*, divers *Irish* Lords (who had submitted themselves to his Father) came to perform the like Duty to him : But that youthful Company using them with scorn, because their Demeanours were but rude and barbarous, they went away much discontented, and raised a general Rebellion against him : whereby it was made manifest, that the *Submission of the Irish Lords, and the Donation of the Pope, were but slender and weak Assurances for a Kingdom.*

Hereupon this young Lord was revoked, and Sir *John de Courcy* sent over, not with the King's Army, but with a Company of Voluntaries, in Number Four hundred, or thereabout : With these he attempted the Conquest of *Ulster*, and in four or five Encounters did so beat the *Irishry* of that Province, as that he gained the Maritime Coasts thereof, from the *Boyne* to the *Banne* ; and thereupon was made Earl of *Ulster*. So as now the *English* had gotten good Footing in all the Provinces of *Ireland* : In the first three Provinces of *Leinster*, *Munster*, and *Conaught*, part by the Sword, and Part by Submission and Alliance : And lastly, in *Ulster* by the Invasion and Victories of Sir *John de Courcy*.

From this time forward, until the seventeenth Year of King *John* (which was a Space of more than thirty Years) there was no Army transmitted out of *England* to finish the Conquest. Howbeit in the mean time, the *English* Adventurers and Colonies already planted in *Ireland*, did win much Ground upon the *Irish* : Namely, the Earl *Strongbow*, having married the Daughter of *Mac Murrough*, in *Leinster*, the *Lacies* in *Meath* ; the *Geraldines*, and other Adventurers in *Munster* ; the *Audleys*, *Gernons*, *Clintons*, *Russells*, and other Voluntaries of Sir *John de Courcy's* Retinue, in *Ulster* ; and the *Bourkes* (planted by *William Fitz-Adelme*) in *Conaught*. Yet were the *English* reputed but Part-Owners of *Ireland* at this time, as appeareth by the Commission of the Pope's Legate.

gate in the time of King Richard the First, whereby he had Power to exercise his Jurisdiction in *Anglia, Wallia, ac illis Hiberniae partibus, in quibus Johannes Moretonii Comes potestatem habet & dominium*, as it is recorded by *Mat. Paris*.

King *John*, in the twelfth Year of his Reign, came over again into *Ireland*: The Stories of that time say, with a great Army, but the certain Numbers are not recorded: Yet it is credible, in regard of the Troubles wherewith this King was distressed in *England*, that this Army was not of sufficient Strength to make an entire Conquest of *Ireland*; and if it had been of sufficient Strength, yet did not the King stay a sufficient Time to perform so great an Action; for he came over in *June*, and returned in *September*, the same Year. Howbeit, in that time the *Irish* Lords for the most Part, submitted themselves to him, as they had done before to his Father; which was but a meer Mockery and Imposure: For his back was no sooner turn'd, but they returned to their former Rebellion: And yet this was reputed a *second Conquest*. And so this King giving Order for the Building of some Castles upon the Borders of the *English* Colonies, left behind him the Bishop of *Norwich*, for the Civil Government of the Land; but he left no standing Army to prosecute the Conquest: Only the *English* Colonies which were already planted, were left to themselves to maintain what they had got, and to gain more if they could.

The personal Presence of these two great Princes, King *Henry* the Second and King *John*, though they performed no great thing with their Armies, gave such Countenance to the *English* Colonies, which encreased daily by the coming over of new Voluntaries and Adventurers out of *England*, as that they enlarged their Territories very much. Howbeit, after this time the Kings of *England*, either because they presumed that the *English* Colonies were strong enough to root out the *Irish* by degrees, or else because they were diverted or disabled otherwise (as shall be declared hereafter) never sent over any Royal Army, or any Numbers of Men worthy

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to be called an Army, into *Ireland*, until the Thirty sixth Year of King *Edward* the Third, when *Lionel Duke of Clarence*, the King's second Son, having married the Daughter and Heir of *Ulster*, was sent over with an extraordinary Power in respect of the time (for the Wars betwixt *England* and *France* were then in their heat) as well to recover his Earldom of *Ulster*, which was then over-run and possest by the *Irish*, as to reform the *English* Colonies, which were become strangely degenerate throughout the whole Kingdom.

For though King *Henry* the Third gave the whole Land of *Ireland* to *Edward* the Prince, his eldest Son, and his Heirs, *Ita quod non Separatur a Corona Angliae*. Whereupon it was stiled the Land of *Edward*, the King's eldest Son; and all the Officers of the Land were called the Officers of *Edward* Lord of *Ireland*: And though this *Edward* was one of the most active Princes that ever liv'd in *England*, yet did he neither in the Life-time of his Father, or during his own Reign, come over in Person, or transmit any Army into *Ireland*; but on the other side, he drew sundry Aids and Supplies of Men out of *Ireland*, to serve him in his Wars in *Scotland*, *Wales*, and *Gascoigne*. And again, though King *Edward* the Second sent over *Piers Gaveston* with a great Retinue, it was never intended he should perfect the Conquest of *Ireland*, for the King could not want his Company so long a time as must have been spent in the finishing of so tedious a Work.

So then, in all that space of time, between the twelfth Year of King *John*, and the 36th Year of King *Edward* the Third, containing 150 Years, or thereabouts, although there was a continual bordering War between the *English* and the *Irish*, there came no Royal Army out of *England* to make an end of the War. But the chief Governors of the Realm, who were at first called *Custodes Hiberniae*, and afterwards *Lords Justices*, and the *English* Lords, who had gotten great Possessions and Royalties, as that they presumed to make War and Peace without direction from the State, did levy all their Forces within the

the Land. But those Forces were weakly supplied, and ill governed, as I said before : Weakly supplied with Men and Money ; and governed with the worst Discipline that ever was seen among Men of War. And no marvel, for it is an infallible Rule, that *an Army ill paid, is ever unruly, and ill governed.* The standing Forces here were seldom or never re-inforced out of *England* ; and such as were either sent from thence, or raised here, did commonly do more hurt and damage to the *English* Subjects, than to the *Irish* Enemies, by their continual Sess and Extortion. Which Mischief did arise, by reason that little or no Treasure was sent out of *England* to pay the Soldiers Wages : Only the King's Revenue was spent, and wholly spent in the publick Service : And therefore, in all the ancient Pipe-Rolls in the times of *Henry the Third*, *Edward the First*, *Edward the Second*, and *Edward the Third*, between the Receipts and Allowances, there is this Entry : *In Thesauro nihil.* For the Officers of the State and Army spent all, so as there was no Surplusage of Treasure ; and yet that *All* was not sufficient. For in default of the King's Pay, as well the ordinary Forces which stood continually, as the extraordinary which were levied by the chief Governor, upon Journeys and general Hoastings, were for the most part laid upon the poor Subject descended of *English* Race : Howbeit, this Burthen was in some Measure tolerable in the time of King *Henry the Third* and King *Edward the First* ; but in the time of King *Edward the Second*, *Maurice Fitz-Thomas of Desmond* being chief Commander against the *Scots*, began that wicked Extortion of *Coigne* and *Livery*, and Pay ; that is, He and his Army took Horse-meat and Man's-meat, and Money at their Pleasure, without any Ticket, or other Satisfaction. And this was after that time, the general Fault of all the Governors and Commanders of the Army in this Land. Only the Golden Saying of Sir *Thomas Rookesby*, who was Justice in the thirtieth Year of King *Edward the Third*, is recorded in all the Annals of this Kingdom, *That he would eat in Wooden Dishes, but would pay for his Meat Gold and Silver.*

ver. Besides, the *English* Colonies being dispersed in every Province of this Kingdom, were enforced to keep continual Guards upon the Borders and Marches round about them; which Guards, consisting of idle Soldiers, were likewise imposed as a continual Burthen upon the poor *English* Freeholders, whom they oppressed and impoverished in the same manner. And because the great *English* Lords and Captains had Power to impose this Charge when and where they pleased, many of the poor Freeholders were glad to give unto those Lords a great Part of their Lands, to hold the rest free from that Extortion: And many others, not being able to endure that intolerable Oppression, did utterly quit their Freeholds, and returned into *England*. By this Means the *English* Colonies grew poor and weak, though the *English* Lords grew rich and mighty; for they placed *Irish* Tenants upon the Lands relinquished by the *English*; upon them they levied all *Irish* Exactions, with them they married, and fostered, and made Gossips so as within one Age, the *English*, both Lords and Freeholders, became degenerate and meer *Irish* in their Language, in their Apparel, in their Arms and manner of Fight, and all other Customs of Life whatsoever.

By this it appeareth why the Extortion of *Coigne* and *Livery*, is called in the old Statutes of *Ireland*, *A damnable Custom*; and the imposing and taking thereof, made *High Treason*. And it is said in an ancient Discourse, *Of the Decay of Ireland*, that though it was first invented in Hell, yet if it had been used and practised there, as it hath been in *Ireland*, it had long since destroyed the very Kingdom of *Beelzebub*. In this manner was the War of *Ireland* carried, before the coming over of *Lionel Duke of Clarence*.

This young Prince, being Earl of *Ulster*, and Lord of *Connaught*, in right of his Wife (who was Daughter and Heir of the Lord *William Bourk*, the last Earl of *Ulster* of that Family, slain by Treachery at *Knockfergus*) was made the King's Lieutenant of *Ireland*; and sent over with an Army in the six and thirtieth Year of King *Edward the Third*:

Third: The Roll and List of which Army doth remain of Record in the King's Remembrancers Office in *England* (in the *Press de Rebus tangentibus Hiberniam*) and doth not contain above fifteen hundred Men by the Poll; which because it differs somewhat from the manner of this Age, both in respect of the Command, and the Entertainment, I think it not impertinent to take a Brief View thereof.

The Lord *Lionel* was General, and under him *Raulf Earl of Stafford*, *James Earl of Ormonde*, *Sir John Carew*, *Banneret*, *Sir William Winsore*, and other Knights were Commanders.

The Entertainment of the General, upon his first Arrival, was but six Shillings eight Pence *per diem*, for himself; for five Knights, two Shillings a-piece *per diem*; for sixty four Esquires, twelve Pence a-piece *per diem*; for seventy Archers, six Pence a-piece *per diem*. But being shortly after created Duke of *Clarence* (which Honour was confer'd upon him being here in *Ireland*) his Entertainment was raised to thirteen Shillings four Pence *per diem*, for himself; and for eight Knights, two Shillings a-piece *per diem*; with an increase of the Number of his Archers, *viz.* three hundred and sixty Archers on Horseback, out of *Lancashire*, at six Pence a-piece *per diem*; and twenty three Archers out of *Wales*, at two Pence a-piece *per diem*.

The Earl of *Stafford*'s Entertainment was, for himself, six Shillings eight Pence *per diem*; for a Banneret, four Shillings *per diem*; for seventeen Knights, two Shillings a-piece *per diem*; for seventy eight Esquires, twelve Pence a-piece *per diem*; for one hundred Archers on Horseback, six Pence a-piece *per diem*. Besides, he had the Command of four and twenty Archers out of *Staffordshire*, forty Archers out of *Worcestershire*, and six Archers out of *Shropshire*, at four Pence a-piece *per diem*.

The Entertainment of *James Earl of Ormonde* was, for himself, four Shillings *per diem*; for two Knights, two Shillings a-piece *per diem*; for seven and twenty Esquires, twelve Pence a-piece *per diem*; for twenty Hoblers

lers armed (the *Irish* Horsemen were so called, because they served on *Hobbies*) six Pence a-piece *per diem* ; and for twenty Hoblers not armed, four Pence a-piece *per diem*.

The Entertainment of Sir *John Carew*, Banneret, was, for himself, four Shillings *per diem* ; for one Knight, two Shillings *per diem* ; for eight Esquires, twelve Pence a-piece *per diem* ; for ten Archers on Horseback, six Pence a-piece *per diem*.

The Entertainment of Sir *William Winsore* was, for himself, two Shillings *per diem* ; for two Knights, two Shillings a-piece *per diem* ; for forty nine Esquires, twelve Pence a-piece *per diem* ; for six Archers on Horseback, six Pence a-piece *per diem*.

The like Entertainment ratably, was allowed to divers Knights and Gentlemen upon that List, for themselves and their several Retinues ; whereof some were greater, and some less, as they themselves could raise them among their Tenants and Followers.

For in ancient times, the King himself did not levy his Armies by his own immediate Authority or Commission ; but the Lords and Captains did by Indenture covenant with the King, to serve him in his Wars, with certain Numbers of Men, for certain Wages and Entertainments, which they raised in greater or lesser Numbers ; as they had Favour or Power with the People. This Course hath been changed in latter times upon good Reasons of State : For the Barons and chief Gentlemen of the Realm, having Power to use the King's Prerogative in that point, became too popular ; whereby they were enabled to raise Forces even against the Crown it self ; which since the Statutes made for levying and mustering of Soldiers by the King's special Commission, they cannot so easily perform, if they should forget their Duties.

This Lord Lieutenant, with his small Army, performed no great Service ; and yet upon his coming over, all Men who had Land in *Ireland*, were by Proclamation remanded back out of *England* thither ; and both the Clergy and Laity of this Land gave two Years Profits of

all their Lands and Tythes, towards the Maintenance of the War here: Only he suppressed some Rebels in low *Leinster*, and recovered the Maritime Parts of his Earl-dom of *Ulster*. But his best Service did consist in the well-governing of his Army, and in holding that famous Parliament at *Kilkenny*, wherein the Extortion of the Soldier, and the degenerate Manners of the *English* (briefly spoken of before) were discovered, and Laws made to reform the same: Which shall be declared more at large hereafter.

The next Lieutenant, transmitted with any Forces out of *England*, was Sir *William Winsore*; who in the 47th Year of King *Edward* the Third, undertook the Custody, not the Conquest of this Land (for now the *English* made rather a defensive than an invasive War) and withal, to defray the whole Charge of the Kingdom for Eleven thousand two hundred thirteen Pounds, six Shillings and eight Pence, as appeareth by the Indenture between him and the King, remaining of Record in the Tower of *London*. But it appeareth by that which *Froissard* reporteth, that Sir *William Winsore* was so far from subduing the *Irish*, as that himself reported, That he could never have Access to understand and know their Countries, although he had spent more time in the Service of *Ireland*, than any *English* Man then living.

And here I may well take Occasion to shew the Vanity of that which is reported in the Story of *Walsingham*, touching the Revenue of the Crown in *Ireland*, in the time of King *Edward* the Third: For he setting forth the state of things there, in the time of King *Richard* the Second, writeth thus: *Cum Rex Angliae illustris, Edwardus tertius illic posuisset Bancum suum atque Judices, cum Scaccario, percepit inde ad Regalem Fiscum annuatim triginta millia librarum; modò propter absentiam ligeorum, & hostium potentiam, nihil inde venit: Sed Rex per annos singulos, de suo Marsupio, terræ defensoribus solvit Triginta millia marcarum, ad regni sui dedecus & fisci gravissimum detrimentum.*

If this Writer had known, that the King's Courts had been established in *Ireland* more than an hundred Years before

before King *Edward* the Third was born ; or had seen either the Parliament Rolls in *England*, or the Records of the Receipts and Issues in *Ireland*, he had not left this vain Report to Posterity : For both the Benches and the Exchequer were erected in the twelfth Year of King *John*. And it is recorded in the Parliament Rolls of 21. of King *Edward* the Third, remaining in the Tower, that the Commons of *England* made Petition that it might be enquired, why the King received no Benefit of his Land of *Ireland*, considering he possessed more there than any of his Ancestors had before him. Now, if the King at that time, when there was no standing Forces maintained there, had received thirty thousand Pound yearly at his Exchequer in *Ireland*, he must needs have made Profit by that Land, considering that the whole Charge of the Kingdom in the 47th Year of *Edward* the Third (when the King did pay an Army there) did amount to no more than eleven thousand and two hundred Pounds *per Annum*, as appeareth by the Contract of Sir *William Winsore*.

Besides, it is manifest by the Pipe-Rolls of that time, whereof many are yet preserved in *Bremingham's Tower*, and are of better Credit than any Monk's Story ; that during the Reign of King *Edward* the Third, the Revenue of the Crown of *Ireland*, both certain and casual, did not rise unto ten thousand Pound *per Annum*, though the Medium be taken of the best seven Years that are to be found in that King's time. The like Fable hath *Hollingshead* touching the Revenue of the Earldom of *Ulster* ; which (saith he) in the time of King *Richard* the Second was thirty thousand Marks by the Year ; whereas in truth, though the Lordships of *Connaught* and *Meath* (which were then Parcel of the Inheritance of the Earl of *Ulster*) be added to the Accompt, the Revenue of that Earldom came not to the third Part of that he writeth. For the Accompt of the Profits of *Ulster* yet remaining in *Bremingham's Tower*, made by *William Fitz-Warren*, Seneschal and Farmer of the Lands in *Ulster*, seized into the King's Hands after the death of *Walter de Burgo*.

Earl

Earl of *Ulster*, from the fifth Year of King *Edward* the Third, until the eighth Year, do amount but to nine hundred and odd Pounds, at which Time the *Irishry* had not made so great an Invasion upon the Earldom of *Ulster*, as they had done in the time of King *Richard* the Second.

As vain a thing it is, that I have seen written in an ancient Manuscript, touching the Customs of this Realm in the time of King *Edward* the Third, that those Duties in those Days should yearly amount to ten thousand Marks, which by my own search and view of the Records here, I can justly controul : For upon the late reducing of this ancient Inheritance of the Crown, which had been detained in most of the Port-Towns of this Realm, for the space of an hundred Years and upwards, I took some Pains (according to the Duty of my Place) to visit all the Pipe-Rolls, wherein the Accompts of Customs are contained, and found those Duties answered in every Port, for two hundred and fifty Years together, but did not find that at any time they did exceed a thousand Pound *per Annum* ; and no marvel, for the Subsidy of Poundage was not then known, and the greatest Profit did arise by the Cocquet of Hides ; for Wool and Wooll-fells were ever of little Value in this Kingdom.

But now again let us see how the Martial Affairs proceeded in *Ireland*. Sir *William Winsore* continued his Government till the latter End of the Reign of King *Edward* the Third, keeping, but not enlarging the *English* Borders.

In the beginning of the Reign of King *Richard* the Second, the State of *England* began to think of the Recovery of *Ireland* : For then was the first Statute made against Absentees, commanding all such as had Land in *Ireland*, to return and reside thereupon, upon pain to forfeit two third parts of the Profit thereof. Again, this King, before he intended to pass over, committed the Government of this Realm to such great Lords successively, as he did most love and favour : First, to the Earl of *Oxford*, his chief Minion, whom he created Marques of *Dublin*, and Duke of *Ireland* : Next, to the Duke of

of *Surry*, his Half-brother : And lastly, to the Lord *Mortimer*, Earl of *March and Ulster*, his Cousin and Heir apparent.

Among the Patent Rolls in the Tower, the ninth Year of *Richard the Second*, we find five hundred Men at Arms at twelve Pence a-piece *per diem*, and a thousand Archers at six Pence a-piece *per diem*, appointed for the Duke of *Ireland*, *Super Conquestu illius terræ per duos annos* : For those are the Words of that Record. But for the other two Lieutenants, I do not find the certain Numbers whereof their Armies did consist : But certain it is, that they were scarce able to defend the *English Borders*, much less to reduce the whole Island : For one of them, namely, the Earl of *March*, was himself slain upon the Borders of *Meath* ; for Revenge of whose death, the King himself made his second Voyage into *Ireland*, in the last Year of his Reign. For his first Voyage in the eighteenth Year of his Reign (which was indeed a Voyage-Royal) was made upon another Motive and Occasion, which was this : Upon the Vacancy of the Empire, this King having married the King of *Bohemia's* Daughter (whereby he had great Alliance in *Germany*) did by his Ambassadors sollicite the Princes Electors to chuse him Emperor : But another being elected, and his Ambassadors returned, he would needs know of them the Cause of his Repulse in that Competition : They told him plainly, that the Princes of *Germany* did not think him fit to command the Empire, who was neither able to hold that which his Ancestors had gained in *France*, nor to rule his insolent Subjects in *England*, nor to master his rebellious People of *Ireland*. This was enough to kindle in the Heart of a young Prince, a Desire to perform some great Enterprize ; and therefore finding it no fit time to attempt *France*, he resolved to finish the Conquest of *Ireland* ; and to that end he levied a mighty Army consisting of four thousand Men at Arms, and thirty thousand Archers, which was a sufficient Power to have reduced the whole Island, if he had first broken the *Irish* with a War, and after established the *English* Laws among them, and not have been satisfied with their

their light Submissions only, wherewith, in all Ages they have mock'd and abused the State of *England*. But the *Irish* Lords knowing this to be a sure Policy to dissolve the Forces, which they were not able to resist (for their Ancestors had put the same Trick and Imposture upon King *John* and King *Henry the Second*) as soon as the King was arrived with his Army, which he brought over under S. *Edward's* Banner (whose Name was had in great Veneration amongst the *Irish*) they all made Offer to submit themselves : Whereupon the Lord *Thomas Mowbray*, Earl of *Nottingham* and Marshal of *England*, was authorized by special Commission to receive the Homages and Oaths of Fidelity, of all the *Irishry of Leinster*. And the King himself having received humble Letters from *Oneal* (wherein he stileth himself Prince of the *Irishry in Ulster*, and yet acknowledgeth the King to be his Sovereign Lord, & *perpetuus Dominus Hiberniae*) removed to *Drogheda*, to accept the like Submissions from the *Irishry of Ulster*. The Men of *Leinster*, namely, *Mac Murrogh*, *o Byrne*, *o Moore*, *o Murrogh*, *o Nalan*, and the Chief of the *Kinshelaghes*, in an humble and solemn Manner did their Homages, and made their Oaths of Fidelity to the Earl Marshal, laying aside their Girdles, their Skeins and their Caps, and falling down at his Feet upon their Knees ; which when they had performed, the Earl gave unto each of them, *Osculum pacis*.

Besides they were bound by several Indentures, upon great Pains, to be paid to the Apostolick Chamber, not only to continue loyal Subjects, but that by a certain Day prefixed, they and all their Sword-men should clearly relinquish and give up unto the King and his Successors all their Lands and Possessions which they held in *Leinster*, and (taking with them only their moveable Goods) should serve him in his Wars against his other Rebels : In Consideration whereof, the King should give them Pay and Pensions during their Lives, and bestow the Inheritance of all such Lands upon them, as they should recover from the Rebels, in any

any other part of the Realm. And thereupon a Pension of eighty Marks *per Annum*, was granted to *Art' Mac-murrogh*, chief of the *Kavanghes*; the Enrolment whereof I found in the white Book of the Exchequer here. And this was the effect of the Service performed by the Earl Marshal, by virtue of his Commission. The King in like manner received the Submissions of the Lords of *Ulster*; namely, *o' Neal*, *o' Hanlan*, *Mac-donel*, *Mac-mahon*, and others, who with the like Humility and Ceremony did Homage and Fealty to the King's own Person: The Words of *o' Neale's* Homage, as they are recorded, are not unfit to be remembred. *Ego Nelanus Oneale Senior tam pro meipso, quam pro filiis meis, & tota natione mea & Parentelis meis, & pro omnibus subditis meis devenio Ligeus homo vester, &c.* And in the Indenture between him and the King, he is not only bound to remain faithful to the Crown of *England*, but to restore the *Bonaught* of *Ulster* to the Earl of *Ulster*, as of right belonging to that Earldom, and usurped among other things by the *Oneals*.

These Indentures and Submissions, with many other of the same kind (for there was not a Chieftain, or Head of an *Irish* Sept, but submitted himself in one Form or other) the King himself caused to be enrolled and testified by a Notary Publick, and delivered the Enrolments with his own Hands to the Bishop of *Salisbury*, then Lord Treasurer of *England*, so as they have been preserved, and are now to be found in the Office of the King's Remembrancer there.

With these Humilities they satisfied the young King, and by their bowing and bending, avoided the present Storm; and so brake that Army which was prepared to break them. For the King having accepted their Submissions, received them in *Osculo pacis*, feasted them, and given the Honour of knighthood to divers of them, did break up and dissolve his Army, and returned into *England* with much Honour and small Profit (saith *Froissard*:) For though he had spent a huge Mass of Treasure in transporting his Army, by the Countenance whereof he drew

on

on their Submissions, yet did he not encrease his Revenue thereby one sterl^{ing} Pound, nor enlarg'd the English Borders the breadth of one Acre of Land; neither did he extend the Jurisdiction of his Courts of Justice one Foot further than the English Colonies, wherein it was used and exercised before. Besides, he was no sooner returned into England, but those Irish Lords laid aside their Masks of Humility, and scorning the weak Forces which the King had left behind him, began to infest the Borders; in defence whereof, the Lord Roger Mortimore, being then the King's Lieutenant, and Heir Apparent to the Crown of England, was slain, as I said before: whereupon the King being moved with a just Appetite of Revenge, came over again in Person, in the 22d Year of his Reign, with as potent an Army as he had done before, with a full purpose to make a full Conquest of Ireland. He landed at Waterford; and passing from thence to Dublin, through the waste Countries of the Murroghs, Kinshelaghs, Cavanaghs, Birnes and Tooles, his great Army was much distressed for want of Victuals and Carriages; so as he performed no memorable thing in that Journey, only in the Cavanagh's Country he cut and cleared the Paces, and bestowed the Honour of knighthood upon the Lord Henry, the Duke of Lancaster's Son, who was afterwards King Henry the Fifth, and so came to Dublin, where entring into Council how to proceed in the War, he received News out of England, of the Arrival of the banish'd Duke of Lancaster at Ravensburgh, usurping the Regal Authority, and arresting and putting to Death his principal Officers.

This Advertisement suddenly brake off the King's Purpose touching the Prosecution of the War in Ireland, and transported him into England, where shortly after he ended both his Reign and his Life; since whose time, until the 39th Year of Queen Elizabeth, there was never any Army sent over of a competent Strength or Power to subdue the Irish; but the War was made by the English Colonies, only to defend their Borders: or if any Forces were transmitted over, they were sent only to suppress the Rebellions

bellions of such as were descended of *English* Race; and not to enlarge our Dominion over the *Irish*.

During the Reign of King *Henry the Fourth*, the Lord *Thomas of Lancaster*, the King's second Son, was Lieutenant of *Ireland*; who, for the first eight Years of that King's Reign, made the Lord *Scroope*, and others, his Deputies; who only defended the Marches with Forces levied within the Land. In the eighth Year that Prince came over in Person with a small Retinue; so as wanting a sufficient Power to attempt or perform any great Service, he return'd within seven Months after into *England*: Yet during his personal Abode there, he was hurt in his own Person within one Mile of *Dublin*, upon an Encounter with the *Irish* Enemy. He took the Submission of *o Birne of the Mountains*, *Mac-mahon* and *o Rely*, by several Indentures, wherein *o Birne* doth covenant, that the King shall quietly enjoy the Mannor of *New-Castle*; *Mac-mahon* accepteth a State in the *Ferny* for Life, rendring ten Pound a Year; and *o Rely* doth promise to perform such Duties to the Earl of *March* and *Ulster*, as were contained in an Indenture dated the eighteenth of *Richard the second*.

In the time of *Henry the Fifth* there came no Forces out of *England*: however, the Lord *Furnival* being the King's Lieutenant, made a Martial Circuit, or Journey, round about the Marches and Borders of the Pale; and brought all the *Irish* to the King's Peace, beginning with the *Birnes*, *Tooles*, and *Cavanaghs* on the South; and so passing to the *Moores*, *o Connors*, and *o Forals*, in the West; and ending with the *o Relies*, *Mac mahons*, *o Neales*, and *o Hanlons* in the North. He had Power to make them seek the King's Peace, but not Power to reduce them to the Obedience of Subjects: yet this was then held so great and worthy a Service, as that the Lords and chief Gentlemen of the Pale made Certificate thereof in *French* unto the King being then in *France*; which I have seen recorded in the white Book of the Exchequer at *Dublin*. Howbeit, his Army was so ill paid and govern'd, as the *English* suffered more Damage by the Sels of his Soldiers

(for now that Monster *Coigne* and *Livery*, which the Statute of *Kilkenny* had for a time abolished, was risen again from Hell) than they gained Profit or Security, by abating the Pride of their Enemies for a time.

During the Minority of King *Henry* the sixth, and for the space of seven or eight Years after, the Lieutenants and Deputies made only a bordering War upon the *Irish*, with small and scattered Forces: Howbeit, because there came no Treasure out of *England* to pay the Soldiers, the poor *English* Subjects did bear the Burthen of the Men of War in every place; and were thereby so weakened and impoverished, as the state of things in *Ireland* stood very desperately.

Wherupon the Cardinal of *Winchester*, (who, after the Death of *Humphry Duke of Gloucester*, did wholly sway the State of *England*) being desirous to place the Duke of *Somerset* in the Regency of *France*, took occasion to remove *Richard Duke of York* from that Government, and to send him into *Ireland*, pretending that he was a most able and willing Person to perform Service there, because he had a great Inheritance of his own in *Ireland*; namely, the Earldom of *Ulster*, and the Lordships of *Connaught* and *Menth*, by descent from *Lionel Duke of Clarence*.

We do not find that this great Lord came over with any numbers of waged Soldiers, but it appeareth upon what good terms he took that Government, by the Covenants between the King and him, which are recorded and confirmed by Act of Parliament of *Ireland*, and were to this Effect.

1. That he should be the King's Lieutenant of *Ireland*, for ten Years.
2. That to support the Charge of that Country, he should receive all the King's Revenues there, both certain and casual, without Accompt.
3. That he should be supplied also with Treasure out of *England*, in this Manner; He should have Four thousand Marks for the first Year, whereof he should be imprest

prestid 2000*l.* before-hand; and for the other nine Years he should receive 2000*l.* *per Annum.*

4. That he might Let to Farm the King's Lands, and place and displace all Officers at his Pleasure.

5. That he might levy and wage what numbers of Men he thought fit.

6. That he might make a Deputy, and return at his Pleasure.

We cannot presume that this Prince kept any great Army on Foot, as well because his Means out of *England* were so mean, and those ill paid, as appeareth by his passionate Letter written to the Earl of *Salisbury* his Brother-in-law; the Copy whereof is registered in the Story of this time; as also because the whole Land, except the *English Pale*, and some part of the Earldom of *Ulster*, upon the Sea-coasts, were possest by the *Irish*: so as the Revenue of the Kingdom, which he was to receive, did amount to little. He kept the Borders and Marches of the *Pale* with much ado; he held many Parliaments, wherein sundry Laws were made for erecting of Castles in *Louth*, *Meath*, and *Kildare*, to stop the Incursions of the *Irishry*: And because the Soldiers for want of Pay were fessest and laid upon the Subjects against their Wills; upon the Prayer and Importunity of the Commons, this Extortion was declared to be High-Treason. But to the end that some Means might be raised to nourish some Forces for defence of the *Pale*, by another Act of Parliament, every twenty Pound Land was charged with the Furnishing and Maintenance of one Archer on Horseback.

Besides, the native Subjects of *Ireland*, seeing the Kingdom utterly ruined, did pass in such Numbers to *England*, as one Law was made in *England*, to transmit them back again, and another Law made here to stop their Passage in every Port and Creek: Yet afterwards, the greatest part of the Nobility and Gentry of *Meath* past over into *England*, and were slain with him at *Wakefield* in *Yorkshire*.

Lastly, the State of *England* was so far from sending an Army to subdue the *Irish* at this time, as among the

Articles of Grievances exhibited by the Duke of *York* against King *Henry* the sixth, this is one, That divers Lords about the King had caused his Highness to write Letters unto some of his *Irish* Enemies; whereby they were encouraged to attempt the Conquest of the said Land: which Letters the same *Irish* Enemies had sent unto the Duke, marvelling greatly that such Letters should be sent unto them, and speaking therein great shame of the Realm of *England*.

After this, when this great Lord was returned into *England*, and making Claim to the Crown, began the War betwixt the two Houses; it cannot be conceived but that the Kingdom fell into a worse and weaker State.

When *Edward* the Fourth was settled in the Kingdom of *England*, he made his Brother, *George* Duke of *Clarence*, Lieutenant of *Ireland*: This Prince was born in the Castle of *Dublin*, during the Government of his Father the Duke of *York*; yet did he never pass over into this Kingdom to govern it in Person, though he held the Lieutenancy many Years. But it is manifest that King *Edward* the Fourth did not pay any Army in *Ireland* during his Reign; but the Men of War did pay themselves by taking Coigne and Livery upon the Country: which Extortion grew so excessive and intolerable as the Lord *Tiptoft*, being Deputy to the Duke of *Clarence*, was enforced to execute the Law upon the greatest Earl in the Kingdom; namely, *Desmond*, who lost his Head at *Drogheda* for this Offence. Howbeit, that the State might not seem utterly to neglect the Defence of the Pale, there was a Fraternity of Men at Arms, called, *The Brotherhood of St. George*, erected by Parliament the 14th of *Edward* the Fourth, consisting of thirteen of the most Noble and Worthy Persons within the Four shires. Of the first Foundation were *Thomas* Earl of *Kildare*, *Sir Rowland Eustace*, *Lord of Port-lester*, and *Sir Robert Eustace* for the County of *Kildare*; *Robert Lord of Howth*, the *Mayor of Dublin*, and *Sir Robert Dowdal* for the County of *Dublin*; the *Viscount of Gormanstown*, *Edward Plunket*, *Seneschal of Meath*, *Alexander Plunket*, and *Barnaby Barne*.

Barnewale, for the County of Meath ; the Mayor of Drogueda, Sir Lawrence Taaffe, and Richard Bellewe, for the County of Louth. These, and their Successors, were to meet yearly upon St. George's Day ; and to chuse one of themselves to be Captain of that Brotherhood, for the next Year to come : which Captain should have at his Command 120 Archers on Horseback, 40 Horsemen, and 40 Pages, to suppress Out-laws and Rebels : The Wages of every Archer should be six Pence *per diem* ; and every Horseman five Pence *per diem*, and four Marks *per Annun* : And to pay these Entertainments, and to maintain this new Fraternity, there was granted unto them by the same Act of Parliament, a Subsidy of Poundage out of all Merchandizes exported or imported throughout the Realm, (Hides, and the Goods of Freemen of Dublin and Drogueda only excepted.) These 200 Men were all the standing Forces that were then maintained in *Ireland* : and as they were Natives of the Kingdom, so the Kingdom itself did pay their Wages, without expecting any Treasure out of *England*.

But now the Wars of *Lancaster* and *York* being ended, and *Henry* the seventh being in the actual and peaceable Possession of the Kingdom of *England* ; let us see if this King did send over a competent Army to make a perfect Conquest of *Ireland*. Assuredly, if these two Idols (or Counterfeits) which were set up against him in the beginning of his Reign, had not found Footing and Followers in this Land, King *Henry* the seventh had sent neither Horse nor Foot hither, but left the Pale to the Guard and Defence of the Fraternity of *St. George*, which stood till the tenth Year of his Reign. And therefore, upon the Erection of the first Idol, which was *Lambert* the Priest's Boy, he transmitted no Forces ; but sent over Sir *Richard Edgecomb*, with Commission to take an Oath of Allegiance of all the Nobility, Gentry, and Citizens of this Kingdom ; which Service he perform'd fully, and made an exact Return of his Commission to the King. And immediately after that the King sent for all the Lords of Parliament of this Realm ; who repairing

to his Presence, were first in a kingly manner reproved by him ; for among other Things he told them, that if their King were still absent from them, they would at length crown Apes ; but at last entertained them, and dismiss'd them graciously. This Course of Clemency he held at first : but after, when *Perkin Warbeck*, who was set up, and followed chiefly by the *Geraldines* in *Leinster*, and *Citizens of Cork* in *Munster* ; to suppress this Counterfeit, the King sent over Sir *Edward Poynings* with an Army (as the Histories call it) which did not consist of a thousand Men by the Poll ; and yet it brought such Terror with it, as all the Adherents of *Perkin Warbeck* were scatter'd, and retir'd for Succour into the *Irish Countries* ; to the Marches whereof he marched with his weak Forces, but soon return'd, and held a Parliament ; wherein, among many good Laws, one Act was made, That no Subject should make any War or Peace within the Land, without the special Licence of the King's Lieutenant or Deputy. A manifest Argument, that at that time the bordering Wars in this Kingdom were made altogether by Voluntaries, upon their own Head, without any Pay or Entertainment, and without any Order or Commission from the State. And though the Lords and Gentlemen of the Pale, in the 19th Year of this King's Reign, join'd the famous Battle of *Knocktow* in *Connaught*, wherein *Mac William*, with 4000 of the *Irish* and degenerate *English* were slain ; yet was not this Journey made by Warrant from the King, or upon his Charge (as is expressed in the Book of *Howth*) but only upon a private Quarrel of the Earl of *Kildare* : so loosely were the martial Affairs of *Ireland* carried during the Reign of King *Henry* the seventh.

In the time of King *Henry VIII.* the Earl of *Surrey*, Lord Admiral, was made Lieutenant ; and though he was the greatest Captain of the *English* Nation then living, yet brought he with him rather an honourable Guard for his Person, than a competent Army to recover *Ireland* ; for he had in his Retinue two hundred tall Yeomen of the King's Guard. But because he wanted Means to perform

form any great Action, he made Means to return the sooner: Yet in the mean time he was not idle, but passed the short time he spent here in holding a Parliament, and divers Journies against the Rebels in *Leinster*; insomuch as he was hurt in his own Person upon the Borders of *Leix*. After the Revocation of this honourable Personage, King *Henry the Eighth* sent no Forces into *Ireland* till the Rebellion of the *Geraldines*, which happen'd in the seven and twentieth Year of his Reign; then sent he over Sir *William Skervington* with five hundred Men, only to quench that Fire, and not to enlarge the Border, or to rectify the Government. This Deputy died in the midst of the Service, so as the Lord *Leonard Gray* was sent to finish it; who arriving with a Supply of two hundred Men, or thereabouts, did so prosecute the Rebels, as the Lord *Garret*, their Chieftain, and his five Uncles, submitted themselves unto him, and were by him transmitten into *England*.

But this Service being ended, that active Nobleman with his little Army, and some Aids of the Pale, did oftentimes repel *o'Neal* and *o'Donel*, attempting the Invasion of the Civil Shires; and at last made that prosperous Fight at *Belahoo* on the Confines of *Meath*, the Memory whereof is yet famous, as that he defeated (well nigh) all the Power of the *North*, and so quieted the Border for many Years.

Hitherto then it is manifest, that since the last Transfretation of King *Richard the second*, the Crown of *England* never sent over either numbers of Men, or quantities of Treasure, sufficient to defend the small Territory of the Pale, much less to reduce that which was lost, or to finish the Conquest of the whole Island.

After this Sir *Anthony St. Leger* was made chief Governor, who performed great Service in a civil Course, as shall be express'd hereafter. But Sir *Edward Bellingham*, who succeeded him, proceeded in a martial Course against the *Irishry*, and was the first Deputy from the time of King *Edward the Third*, till the Reign of King *Edward the sixth*, that extended the Border beyond the Limits.

mits of the *English* Pale, by beating and breaking the *Moors* and *Connors*, and building the Forts of *Leix* and *Offaly*. This Service he performed with six hundred Horse, the Monthly Charge whereof did arise to seven hundred and seventy Pound; and four hundred Foot, whose Pay did amount to four hundred and forty six Pound *per mensem*; as appeareth upon the *Treasurers Accompt* remaining in the *Office of the King's Remembrancer in England*. Yet were not these Countries so fully recovered by this Deputy, but that *Thomas Earl of Suffex* did put the last Hand to this Work; and rooting out these two rebellious Septs, planted *English Colonies* in their Rooms, which in all the tumultuous times since, have kept their Habitations, their Loyalty, and Religion.

And now are we come to the time of Queen *Elizabeth*, who sent over more Men, and spent more Treasure to save and reduce the Land of *Ireland*, than all her Progenitors since the Conquest.

During her Reign there arose three notorious and main *Rebellions*, which drew several Armies out of *England*: The first of *Shane o' Neal*; the second of *Desmond*; the last of *Tirone*; (for the particular *Insurrections* of the *Viscount Baltinglass* and *Sir Edmund Butler*, the *Moors*, the *Caravanaghs*, the *Birnes*, and the *Bourkes of Connaught*, were all suppressed by the standing Forces here.)

To subdue *Shane o' Neal* in the height of his *Rebellion*, in the Year 1566. Captain *Randal* transported a Regiment of one thousand Men into *Ulster*, and planted a Garrison at *Loughfoile*: Before the coming of which Supply, *viz.* in the Year 1565. the List of the standing Army of Horse and Foot, *English* and *Irish*, did not exceed the Number of twelve hundred Men, as appeareth by the *Treasurers Accompt of Ireland*, now remaining in the *Exchequer of England*. With these Forces did *Sir Henry Sidney* (then Lord Deputy march into the farthest Parts of *Tirone*, and joyning with Captain *Randal*, did much distress (but not fully defeat) *o' Neal*, who was afterwards slain upon a meer Accident by the *Scots*, and not by the Queen's Army.

To

To prosecute the Wars in *Munster*, against *Desmond* and his Adherents, there were transmitted out of *England*, at several times, three or four thousand Men ; which, together with the standing Garrisons, and some other Supplies raised here, made at one time an Army of six thousand, and upwards : Which, with the Virtue and Valour of *Arthur Lord Gray*, and others the Commanders, did prove a sufficient Power to extinguish that Rebellion. But that being done, it was never intended that these Forces should stand till the rest of the Kingdom was settled and reduced : Only, that Army which was brought over by the Earl of *Essex*, Lord Lieutenant and Governor General of this Kingdom, in the nine and thirtieth Year of Queen *Elizabeth*, to suppress the Rebellion of *Tirone*, which was spread universally over the whole Realm : That Army, I say (the Command whereof, with the Government of the Realm, was shortly after transferred to the Command of the Lord *Montjoy*, afterwards Earl of *Devonshire*, who with singular Wisdom, Valour, and Industry, did prosecute and finish the War) did consist of such good Men of War, and of such Numbers, being well nigh twenty thousand by the Poll, and was so royally supplied and paid, and continued in full strength so long a time, as that it brake and absolutely subdued all the Lords and Chieftains of the *Irishry*, and degenerate or rebellious *English*. Whereupon the Multitude, who ever loved to be Followers of such as could master and defend them, admiring the Power of the Crown of *England*, being bray'd (as it were) in a Morter, with the Sword, Famine, and Pestilence together, submitted themselves to the *English* Government, received the Laws and Magistrates ; and most gladly embraced the King's Pardon and Peace in all parts of the Realm, with Demonstration of Joy and Comfort ; which made, indeed, an entire, perfect, and final Conquest of *Ireland*. And though upon the finishing of the War this great Army was reduced to less Numbers, yet hath his Majesty in his Wisdom thought fit still to maintain such competent Forces here, as the Law may make her Progress and Circuit

exit about the Realm, under the Protection of the Sword-
(as *Virgo*, the Figure of Justice, is by *Lev* in the *Zodiack*)
until the People have perfectly learn'd the Lesson of O-
bedience, and the Conquest be established in the Hearts
of all Men.

THUS far have I endeavoured to make it manifest,
that from the first Adventure and Attempt of the
English (to subdue and conquer *Ireland*) until the last
War with *Tirone* (which as it was Royally undertaken, so
it was really prosecuted to the End) there hath been four
main Defects in the Carriage of the Martial Affairs here.
First, the Armies, for the most part, were too weak for
a Conquest : Secondly, when they were of a competent
Strength (as in both the Journeys of *Richard the Second*)
they were too soon broken up and dissolved : Thirdly,
they were ill paid : And fourthly, they were ill govern-
ed, which is always a Consequent of ill Payment.

But wly was not this great Work performed before
the latter end of Queen *Elizabeth*'s Reign, considering
that many of the Kings her Progenitors were as great
Captains as any in the World, and had elsewhere larger
Dominions and Territories ? First, who can tell whe-
ther the Divine Wisdom, to abate the Glory of those
Kings, did not reserve this Work to be done by a Queen,
that it might rather appear to be his own immediate
Work ; and yet for her greater Honour, made it the last
of her great Actions, as it were, to crown all the rest ?
And to the end that a secure Peace might settle the Con-
quest, and make it firm and perpetual to Posterity, caused
it to be made in that fulness of time when *England* and
Scotland became to be united under one Imperial Crown,
and when the Monarchy of Great *Britany* was in League
and Amity with all the World. Besides, the Conquest
at this time doth (perhaps) fulfil that Prophecy wherein
the four great Prophets of *Ireland* do concur, as it is re-
corded by *Giraldus Cambrensis*, to this Effect : That af-
ter the first Invasion of the *English*, they should spend
many Ages in *crebris conflictibus, longoq; calamine &*
mul-

multis cædibus. And that, *Omnes fere Angli ab Hibernia turbabuntur: Nihilominus orientalia maritima semper obtinebunt; sed vix paulo antè diem Judicij; plenam Anglorum populo victoriam compromittunt; Insula Hibernica de mari usque ad mare de toto subacta & incastellata.* If St. Patrick and the rest did not utter this Prophecy, certainly Giraldus is a Prophet, who hath reported it. To this we may add the Prophecy of Merlin, spoken of also by Giraldus, *Sextus mænia Hibernia subvertet, & regiones in Regnum redigentur.* Which is performed in the time of King James the Sixth; in that all the Passes are cleared, and Places of Fastness laid open, which are the proper Walls and Castles of the Irish, as they were of the British in the time of *Agricola*; and withal, the Irish Countries being reduced into Counties, make but one entire and undivided kingdom.

But to leave these high and obscure Causes, the plain and manifest truth is, that the Kings of *England* in all Ages had been powerful enough to make an absolute Conquest of *Ireland*, if their whole Power had been employed in that Enterprize: But still there arose sundry Occasions which divided and diverted their Power some other way,

Let us therefore take a brief View of the several Impediments which arose in every King's time since the first Overture of the Conquest, whereby they were so employed and busied, as they could not intend the final Conquest of *Ireland*.

KING Henry the Second was no sooner returned out of *Ireland*, but all his four Sons conspired with his Enemies, rose in Arms, and moved War against him, both in *France* and in *England*.

This unnatural Treason of his Sons did the King express in an Emblem painted in his Chamber at *Winchester*, wherein was an Eagle with three Eaglets tiring on her Breast, and the fourth pecking at one of her Eyes. And the truth is, these ungracious Practices of his Sons did impeach his Journey to the Holy Land, which he had once

once vowed, vexed him all the Days of his Life, and brought his gray Hairs with Sorrow to the Grave. Besides, this King having given the Lordship of *Ireland* to *John*, his youngest Son, his Ingratitude afterwards made the King careless to settle him in the quiet and absolute Possession of that kingdom.

Richard the First, who succeeded *Henry the Second* in the kingdom of *England*, had less Reason to bend his Power towards the Conquest of this Land, which was given in Perpetuity to the Lord *John*, his Brother : and therefore, went he in Person to the Holy War; by which Journey, and his Captivity in *Austria*, and the heavy Ransom that he paid for his Liberty, he was hindred, and utterly disabled to pursue any so great an Action as the Conquest of *Ireland*; and after his delivery and return, hardly was he able to maintain a Frontier War in *Normandy*, where by hard Fortune he lost his Life.

King *John*, his Brother, had greatest Reason to prosecute the War of *Ireland*, because the Lordship thereof was the portion of his Inheritance, given unto him when he was called *John Sans-Terre* : Therefore, he made two Journeys thither ; one, when he was Earl of *Merton*, and very young, about twelve Years of Age ; the other, when he was King, in the twelfth Year of his Reign. In the first, his own Youth, and his youthful Company, *Roboam's* Counsellors, made him hazard the Loss of all that his Father had won : But in the latter, he shewed a Resolution to recover the entire kingdom, in taking the Submissions of all the *Irishry*, and settling the Estates of the *English*, and giving Order for the building of many Castles and Forts, whereof some remain until this day. But he came to the Crown of *England* by a defeasible Title, so as he was never well settled in the Hearts of the People, which drew him the sooner back out of *Ireland* into *England* : Where shortly after he fell into such trouble and distress, the Clergy cursing him on the one side, and the Barons rebelling against him on the other, as he became so far unable to return to the Conquest of *Ireland*, as besides the Forfeiture of the Territories

ritories in *France*, he did in a manner lose both the kingdoms ; for he surrendered both to the Pope, and took them back again to hold in Fee-farm ; which brought him into such hatred at home, and such contempt abroad, as all his Life-time after, he was possest rather with Fear of losing his Head, than with Hope of reducing the kingdom of *Ireland*.

During the Infancy of *Henry the Third*, the Barons were troubled in expelling the *French*, whom they had drawn in against King *John*. But this Prince was no sooner come to his Majority, but the Barons raised a long and cruel War against him.

Into these troubled Waters the Bishops of *Rome* did cast their Nets, and drew away all the Wealth of the Realm, by their Provisions and infinite Exactions ; whereby the kingdom was so impoverished as the King was scarce able to feed his own Household and Train, much less to nourish Armies for the Conquest of Foreign kingdoms. And although he had given this Land to the Lord *Edward*, his eldest Son, yet could not that worthy Prince ever find Means or Opportunity to visit this kingdom in Person. For, from the time he was able to bear Arms, he served continually against the Barons, by whom he was taken Prisoner at the Battle of *Lewes* ; and when the Rebellion was appeased, he made a Journey to the Holy Land (an Employment which in those days diverted all Christian Princes from performing any great Actions in *Europe*) from whence he was returned when the Crown of *England* descended upon him.

This King *Edward the First*, who was a Prince adorned with all Virtues, did in the managing of his Affairs, shew himself a right good Husband, who being Owner of a Lordship ill husbanded, doth first enclose and manure his Demeasnes near his principal House, before he doth improve his Wastes afar off. Therefore, he began first to establish the Common-wealth of *England*, by making many excellent Laws, and instituting the Form of Publick Justice, which remaineth to this day. Next, he fully subdued and reduced the Dominion of *Wales* ; then by his

his Power and Authority he settled the kingdom of *Scotland*; and lastly, he sent a Royal Army into *Gascoigne*, to recover the Dutchy of *Aquitain*. These four great Actions did take up all the Reign of this Prince. And therefore, we find not in any Record that this King transmitted any Forces into *Ireland*; but on the other side, we find it recorded, both in the Annals, and in the Pipe-Rolls of this kingdom, that three several Armies were raised of the King's Subjects in *Ireland*, and transported one into *Scotland*, another into *Wales*, and the third into *Gascoigne*; and that several Aids were levied here for the setting forth of those Armies.

The Son and Successor of this excellent Prince was *Edward the Second*, who, much against his Will, sent one small Army into *Ireland*; not with a purpose to finish the Conquest, but to guard the Person of his Minion, *Piers Gaveston*, who being banished out of *England*, was made Lieutenant of *Ireland*, that so his Exile might seem more honourable.

He was no sooner arrived here, but he made a Journey into the Mountains of *Dublin*, brake and subdued the Rebels there, built *New-Castle* in the *Birnes Country*, and repaired *Castle-Kevin*; and after passed up into *Munster* and *Thomond*, performing every where great Service, with much Virtue and Valour. But the King, who could not live without him, revok'd him within less than a Year: After which time the Invasion of the *Scots*, and Rebellion of the Barons, did not only disable this King to be a Conqueror, but deprived him both of his kingdom and life. And when the *Scottish* Nation had over-run all this Land under the Conduct of *Edward le Bruce* (who stiled himself King of *Ireland*) *England* was not then able to send either Men or Money to save this kingdom: Only *Roger de Mortimer*, then Justice of *Ireland*, arrived at *Toughall*, cum 38. milit. saith Friar *Clinn* in his Annals.

But *Bremingham*, *Verdon*, *Stapleton*, and some other private Gentlemen, rose out with the Commons of *Meath* and *Ursel*, and at *Fagher* near *Dundalk*, a fatal Place to

the Enemies of the Crown of England, overthrew a potent Army of them : *Et sic* (saith the red Book of the Exchequer, wherein the Victory was briefly recorded) *per manus communis populi, & dextram Dei deliberatur populus Dei a servitute machinata & præcogitata.*

In the time of King *Edward* the Third, the Impediments of the Conquest of *Ireland* are so notorious, as I shall not need to express them ; to wit, the War which the King had with the Realms of *Scotland* and *France* : but especially the Wars of *France*, which were almost continual for the space of forty Years : And indeed, *France* was a fairer Mark to shoot at than *Ireland*, and could better reward the Conqueror. Besides, it was an Inheritance newly descended upon the King ; and therefore he had great Reason to bend all his Power, and spend all his Time and Treasure in the Recovery thereof. And this is the true Cause why *Edward* the Third sent no Army into *Ireland* till the thirty sixth Year of his Reign, when the Lord *Lionel* brought over a Regiment of 1500 Men, as is before expressed : Which that wise and warlike Prince did not transmitt as a competent Power to make a full Conquest, but as an honourable Retinue for his Son ; and withal, to enable him to recover some part of his Earldom of *Ulster*, which was then overrun with the *Irish*. But on the other part, though the English Colonies were much degenerate in this King's time, and had lost a great part of their Possessions ; yet lying at the Siege of *Calais*, he sent for a Supply of Men out of *Ireland*, which were transported under the Conduct of the Earl of *Kildare* and *Fulco de la Freyn*, in the Year 1347.

And now are we come again to the time of King *Richard* the Second, who for the first ten Years of his Reign was a Minor, and much disquieted with popular Commotions ; and after that, was more troubled with the Factions that arose between his Minions and the Princes of the Blood. But at last he took a Resolution to finish the Conquest of this Realm ; and to that end he made two Royal Voyages hither : Upon the first he was

was deluded by the feigned Submissions of the *Irish* ; but upon the latter, when he was fully bent to prosecute the War with Effect, he was diverted and drawn from hence by the return of the Duke of *Lancaster* into *England*, and the general Defection of the whole Realm.

As for *Henry* the Fourth, he being an Intruder upon the Crown of *England*, was hindred from all Foreign Actions, by sundry Conspiracies and Rebellions at home, moved by the House of *Northumberland* in the North ; by the Dukes of *Surrey* and *Exeter* in the South ; and by *Owen Glendour* in *Wales* ; so as he spent his short Reign in establishing and settling himself in the quiet Possession of *England*, and had neither Leisure nor Opportunity to undertake the final Conquest of *Ireland*. Much less could *Henry* the Fifth perform that Work ? For in the second Year of his Reign he transported an Army into *France*, for the Recovery of that kingdom ; and drew over to the Siege of *Harfleur* the Prior of *Kilmayneham* with 1500 *Irish* ; in which great Action this victorious Prince spent the rest of his Life.

And after his Death the two noble Princes, his Brothers, the Dukes of *Bedford* and *Glocester*, who during the Minority of King *Henry* the Sixth had the Government of the kingdoms of *England* and *France*, did employ all their Counsels and Endeavours to perfect the Conquest of *France*, the greater part whereof being gained by *Henry* the Fifth, and retained by the Duke of *Bedford*, was again lost by King *Henry* the Sixth, a manifest Argument of his Disability to finish the Conquest of this Land. But when the Civil War between the two Houses was kindled, the Kings of *England* were so far from reducing all the *Irish* under their Obedience, as they drew out of *Ireland*, to strengthen their Parties, all the Nobility and Gentry descended of *English* Race ; which gave Opportunity to the *Irish* to invade the Lands of the *English* Colonies, and did hazard the loss of the whole kingdom : For, though the Duke of *York* did, while he lived in *Ireland*, carry himself respectively towards all the Nobility, to win the general Love of all, bearing equal Favour to

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the *Geraldines* and the *Butlers* (as appeared at the Christening of *George Duke of Clarence*, who was born in the Castle of *Dublin*, where he made both the Earl of *Kildare* and the Earl of *Ormonde* his Gossips:) And having Occasion divers times to pass into *England*, he left the Sword with *Kildare* at one time, and with *Ormonde* at another: And when he lost his Life at *Wakefield*, there were slain with him divers of both those Families. Yet afterwards, these two noble Houses of *Ireland* did severally follow the two Royal Houses of *England*; the *Geraldines* adhering to the House of *York*, and the *Butlers* to the House of *Lancaster*. Whereby it came to pass, that not only the principal Gentlemen of both those Surnames, but all their Friends and Dependants did pass into *England*, leaving their Lands and Possessions to be over-run by the *Irish*. These Impediments, or rather Impossibilities of finishing the Conquest of *Ireland* did continue till the Wars of *Lancaster* and *York* were ended, which was about the twelfth Year of King *Edward the Fourth*.

Thus hitherto the Kings of *England* were hindred from finishing this Conquest by great and apparent Impediments: *Henry the Second* by the Rebellion of his Sons: *King John*, *Henry the Third*, and *Edward the Second*, by the Barons Wars: *Edward the First* by his Wars in *Wales* and *Scotland*: *Edward the Third* and *Henry the Fifth* by the Wars of *France*: *Richard the Second*, *Henry the Fourth*, *Henry the Sixth*, and *Edward the Fourth*, by domestick Contention for the Crown of *England* it self.

But the Fire of the Civil War being utterly quenched, and King *Edward the Fourth* settled in the peaceable Possession of the Crown of *England*, what did then hinder that Warlike Prince from reducing of *Ireland* also? First, the whole Realm of *England* was miserably wasted, depopulated and impoverished by the late Civil Dissensions; yet as soon as it had recovered it self with a little Peace and Rest, this King raised an Army, and revived the Title of *France* again: Howbeit, this Army was no sooner

sooner transmitted and brought into the Field, but the two Kings also were brought to an Interview: Whereupon, partly by the fair and white Promises of *Lewis* the Eleventh, and partly by the Corruption of some of King *Edward*'s Minions, the *English* Forces were broken and dismissed, and King *Edward* returned into *England*; where shortly after finding himself deluded and abused by the *French*, he died with Melancholy, and Vexation of Spirit.

I omit to speak of *Richard* the Usurper, who never got the quiet Possession of *England*, but was cast out by *Henry* the Seventh within two Years and an half after his Usurpation.

And for King *Henry* the Seventh himself, though he made that happy Union of the two Houses, yet for more than half the space of his Reign there were walking Spirits of the House of *York*, as well in *Ireland* as in *England*, which he could not conjure down without the Expence of some Blood and Treasure: But in his latter times he did wholly study to improve the Revenues of the Crown in both kingdoms, with an Intent to provide Means for some great Action which he intended: which doubtless, if he had lived, would rather have proved a Journey into *France*, than into *Ireland*, because, in the Eyes of all Men, it was a fairer Enterprize.

Therefore King *Henry* the Eighth, in the beginning of his Reign, made a Voyage Royal into *France*, wherein he spent the greatest part of that Treasure which his Fathers had frugally reserved, perhaps for the like purpose: In the latter end of his Reign he made the like Journey, being enrich'd with the Revenues of the Abby Lands: But in the middle time between these two Attempts, the great alteration which is made in the State Ecclesiastical, caused him to stand upon his Guard at home; the Pope having sollicited all the Princes of Christendom to revenge his Quarrel in that Behalf. And thus was King *Henry* the Eighth detained and diverted from the absolute reducing of the kingdom of *Ireland*.

Lastly, the Infancy of King *Edward the Sixth*, and the Coverture of Queen *Mary*, (which are both Non-abilities in the Law) did in Fact disable them to accomplish the Conquest of *Ireland*.

So as now this great Work did remain to be performed by Queen *Elizabeth*; who though she was diverted by suppressing the open Rebellion in the North; by preventing divers secret Conspiracies against her Person; by giving Aids to the *French* and *States of the Low Countries*; by maintaining a Naval War with *Spain*, for many Years together: Yet the sundry Rebellions, joyned with Foreign Invasions upon this Island, whereby it was in danger to be utterly lost, and to be possessed by the Enemies of the Crown of *England*, did quicken her Majesty's Care for the Preservation thereof; and to that end, from time to time during her Reign, she sent over such Supplies of Men and Treasure, as did suppress the Rebels, and repel the Invaders. Howbeit, before the transmitting of the last great Army, the Forces sent over by Queen *Elizabeth* were not of sufficient Power to break and subdue all the *Irishry*, and to reduce and reform the whole kingdom; but when the general Defection came, which came not without a special Providence for the final Good of that kingdom (though the second Causes were the faint Prosecution of the War against *Tirone*, the Practices of Priests and Jesuits, and the Expectation of the Aids from *Spain*:) Then the extreme Peril of losing the kingdom; the Dishonour and Danger that might thereby grow to the Crown of *England*; together with a just Disdain conceived by that great-minded Queen, that so wicked and ungrateful a Rebel should prevail against her, who had ever been victorious against all her Enemies, did move, and almost enforce her to send over that mighty Army: And did withal enflame the Hearts of the Subjects of *England*, chearfully to contribute towards the maintaining thereof, a Million of Sterling Pounds at least: Which was done with a purpose only to Save, and not to gain a kingdom; to keep and retain that Sovereignty which the Crown of *England* had in

in Ireland (such as it was) and not to recover a more absolute Dominion. But, as it falleth out many times, that when a House is on fire, the Owner, to save it from burning, pulleth it down to the Ground ; but that pulling down doth give Occasion of building it up again in a better form : So these last Wars, which to save the kingdom, did utterly break and destroy this People, produced a better Effect than was at first expected : For, every Rebellion, when it is suppress'd, doth make the Subject weaker and the Prince stronger ; so, this general Revolt, when it was overcome, did produce a general Obedience and Reformation of all the *Irishry*, which ever before had been disobedient and unreformed ; and thereupon ensued the final and full Conquest of *Ireland*.

And thus much may suffice to be spoken touching the Defects in the Martial Affairs, and the weak and faint Prosecution of the War ; and of the several Impediments or Employments, which did hinder or divert every King of *England* successively, from reducing *Ireland* to their absolute Subjection.

It now remaineth, that we shew the Defects of the Civil Policy and Government, which gave no less Impediment to the Perfection of this Conquest.

The first of that kind doth consist in this, *That the Crown of England did not from the beginning give Laws to the Irishry* ; whereas, to give Laws to a conquered People is the principal Mark and Effect of a perfect Conquest : For, albeit King *Henry the Second*, before his return out of *Ireland*, held a Council or Parliament at *Lismore*, *Ubi Leges Angliae ab omnibus sunt grataanter receptae, & Juratoria Cautione praesita confirmatae*, as *Matth. Paris* writeth.

And though King *John* in the twelfth Year of his Reign, did establish the English Laws and Customs here, and placed Sheriffs and other Ministers to rule and govern the People, according to the Law of *England* : And to that end, *Ipse duxit secum viros discretos & legis peritos, quorum communi consilio statuit & præcepit, leges Anglicanas teneri in Hibernia, &c.* as we find it recorded among the

the Patent Rolls in the Tower, 11 Hen. 3. m. 3. Though likewise King Henry the Third did grant and transmit the like Charter of Liberties to his Subjects of *Ireland*, as himself and his Father had granted to the Subjects of *England*, as appeareth by another Record in the Tower, 1 Hen. 3. Pat. m. 13. And afterwards, by a special Writ did command the Lord Justice of *Ireland*, *Quod convocatis Archiepiscopis, Episcopis, Comitibus, Baronibus, &c. Coram eis legi faceret Chartam Regis Johannis, quam ipse legi fecit & jurari à Magnatibus Hiberniae, de legibus & Constitutionibus Angliae observandis, & quod leges illas teneant & observeant.* 12 Hen. 3. Claus. m. 8. And after that again, the same King by Letters Patents under the Great Seal of *England*, did confirm the Establishment of the English Laws made by King John, in this Form, *Quia pro Communi utilitate terræ Hiberniae, ac unitate terrarum, de Communi Consilio provisum fit, quod omnes leges & consuetudines quæ in regno Angliae teneantur, in Hibernia teneantur, & eadem terra ejusdem legibus subjeciat, ac per easdem regatur, sicut Johannes Rex, cum illic esset, Statuit & firmiter mandavit; ideo volumus quod omnia brevia de Communi Jure, quæ currunt in Anglia, similiter currant in Hibernia, sub novo sigillo nostro, &c. Teste meipso apud Woodstock, &c.* Which Confirmation is found among the Patent Rolls in the Tower, *Anno 30. Hen. 3.* Notwithstanding, it is evident by all the Records of this Kingdom, that only the English Colonies, and some few Septs of the *Irishry*, which were Enfranchised by special Charters, were admitted to the Benefit and Protection of the Laws of *England*; and that the *Irish* generally were reputed Aliens, or rather Enemies to the Crown of *England*; insomuch as they were not only disabled to bring any Actions, but they were so far out of the Protection of the Law, as it was often adjudged no Felony to kill a meer *Irish* Man in the time of Peace.

That the meer *Irish* were reputed Aliens, appeareth by sundry Records, wherein Judgment is demanded, if they shall be answered in Actions brought by them :

And

and likewise by the Charters of Denization, which in all Ages were purchased by them.

In the Common Plea Rolls of 28 Edward the Third, (which are yet preserved in Birmingham's Tower) this Case is adjudged. *Simon Neal* brought an Action of Trespass against *William Newlagh*, for breaking his Close in *Clandalkin* in the County of *Dublin*; the Defendant doth plead, that the Plaintiff is *Hibernicus*, & non de *quinque sanguinibus*; and demandeth Judgment, if he shall be answered. The Plaintiff replieth, *Quod ipse est de quinque sanguinibus*, viz. *De les Oneiles de Ulton*, qui per *Concessionem progenitorum Domini Regis*; *Libertatis Anglicis gaudere debent & utuntur*, & pro *liberis hominibus* reputantur. The Defendant rejoyneth, that the Plaintiff is not of the *Oneals* of *Ulster*, *Nec de quinque sanguinibus*. And thereupon they are at Issue. Which being found for the Plaintiff, he had Judgment to recover his Damages against the Defendant. By this Record it appeareth, that five principal *Bloods*, or *Septs*, of the *Irishry*, were by special Grace enfranchised and enabled to take Benefit of the *Laws of England*; and that the Nation of *O Neals* in *Ulster*, was one of the five. And in the like Case, 3 of *Edward the second*, among the Plea-Rolls in *Birmingham's Tower*; All the five *Septs* or *Bloods*, *Qui gaudent lege Anglicana quoad brevia portenda*, are express'd; namely, *Oneil de Ultonia*; *O Molaghlin de Minia*; *O Connoghor de Connacia*; *O Brin de Thotmonia*; & *Mac Murrogh de Lagenia*: And yet I find, that *O Neal* himself long after, viz. in 20 *Edward the Fourth*, upon his Marriage with a Daughter of the House of *Kildare*, (to satisfie the Friends of the Lady) was made Denizen by a special *Act of Parliament*, 20 *Edw. 4. C. 8.*

Again, in the 29th of *Edw. 1.* before the Justices in *Eyre at Drogheda*, *Thomas le Botteler* brought an Action of *Detinuer* against *Robert de Almain* for certain Goods. The Defendant pleadeth, *Quod non tenetur ei inde responder*, *eo quod est Hibernicus*, & non de *libero sanguine*. Et *predictus Thomas dicit*, *quod Anglicus est*, & *hoc petit quod*

quod inquiratur per patriam, Ideo fiat inde jurat, &c. Jurat, dicunt super Sacramentum suum, quod praeditus Thomas Anglicus est, ideo consideratum est quod recuperet, &c.

These two Records among many other, do sufficiently shew, that the Irish were disabled to bring any Actions at the Common Law. Touching their Denizations, they were common in every King's Reig, since Henry the second, and were never out of use, till his Majesty that now is, came to the Crown.

Among the Pleas of the Crown of 4 Edw. 2. we find a Confirmation made by Edward the first, of a Charter of Denization granted by Henry the second, to certain Oostmen, or Easterlings, who were Inhabitants of Waterford long before Henry the Second attempted the Conquest of Ireland. *Edwardus Dei gratia, &c. Justitiario suo Hiberniae salutem: Quia per inspectionem Chartæ Dom. Hen. Reg. filii impenatricis quondam Dom. Hiberniae pro-avi nostri nobis constat, quod Ostmanni de Waterford legem Anglicorum in Hibernia habere, & secundum ipsam legem Judicari & deduci debent: vobis mandamus quod Gilli-criſt Mac Gillimurrii. Willielmum & Iohannem Mac Gil- murrii & alios Ostmannos de Civitate & Comitatu Water- ford, qui de praedictis Ostmannis praedict. Dom. Henr. pro-avi nostri originem duxerunt, legem Anglicorum in partibus illis juxta tenorem Chartæ praedict. habere, & eos secun- dum ipsam legem (quantum in nobis est, deduci faciatis) donec aliud de Consilio nostro inde duxerimus ordinand. In cuius rei, &c. Teste meipso apud Acton Burnell. 15 Octobris, Anno Regni nostri undecimo.*

Again, among the Patent Rolls of 1 Edward the Fourth, remaining in the Chancery here, we find a Patent of De- nization granted the 13th of Edward the first, in these Words, *Edwardus Dei gratia, Rex Angliae, Dom. Hiber- niae, Dux Aquitaniæ, &c. Omnibus Ballivis & fidelibus suis in Hibernia, Salutem: Volentes Christophero filio Do- naldi Hibernico gratiam facere specialem, concidimus pro nobis & heredibus nostris, quod idem Christopherus hanc ha- beat libertatem, (viz.) Quod ipse de cetero in Hibernia utatur legibus Anglicanis, & prohibemus ne quisquam con- tra*

tra hanc concessionem nostram dictum Christopherum vexet in aliquo vel perturbet. In cuius rei Testimonium, &c. Teste meipso apud Westm. 27. die Junii, Anno Regni nostri,

I. 3.

In the same Roll we find another Charter of Denization, granted in the first of Edward the Fourth, in a more large and beneficial Form. *Edw. Dei Gratia, &c. Omnibus Ballivis, &c. Salutem. Sciatis quod nos volentes Willielmum O Bolgir capellatum de Hibernica natione existentem, favore prosequi gratioſo, de gratia nostra speciali, &c. Concessimus eidem Willielmo, quod ipſe liberi ſit Status, & liberae conditionis, & ab omni ſervitute Hibernica liber & quietus, & quod ipſe legibus Anglicanis in omnibus & per omnia uti poſſit & gaudere, eodem modo, quo homines Angli infra dictam terram eas habent, & iis gaudent & utuntur, quodque ipſe repondeat, & repondeatur, in quibuscumque Curiis nostris; ac omnimod. terras, tene-menta, redditus, & ſervitia perquirere poſſit ſibi & heredi-bus ſuis in perpetuum, &c.*

If I should collect out of the Records, all the Charters of this kind, I should make a Volume thereof; but these may ſuffice to ſhew, that the meer *Irish* were not reputed free Subjects; nor admitted to the benefit of the Laws of *England*, until they had purchased Charters of *Denization*.

Lastly, the meer *Irish* were not only accounted *Aliens*, but *Enemies*; and altogether out of the Protection of the Law; ſo as it was no Capital Offence to kill them; and this is manifest by many Records. At a Goal-delivery at *Waterford*, before *John Wogan*, Lord Justice of *Ireland*, the Fourth of *Edward the second*, we find it recorded among the Pleas of the Crown of that Year. *Quod Ro-bertus le Wayleys rectatus de morte Johannis filii Juor Mac Gillemory felonice per ipsum interfecit, &c. Venit & bene cognovit quod predictum Johannem interfecit; dicit tamen quod per ejus interfectionem feloniam committere non potuit, quia dicit, quod praedictus Johannes fuit purus Hibernicus, & non de libero sanguine, &c. Et cum Dominus dicti Jo-hannis (cujus Hibernicus idem Johannes fuit) die quo inter-fectus*

fectus fuit, solutionem pro ipso Johanne Hibernico suo sic imperfecto petere voluerit, ipse Robertus paratus erat ad respondend' de solutione prædict. prout Justitia suadebit. Et super hoc venit quidam Johannes le Poer, & dicit pro Domino Rege, quod prædict. Johannes filius Iuor Mac Gillemory, & antecessores sui de cognomine prædict. à tempore quo Dominus Henricus filius imperatricis, quondam Dominus Hiberniae, Tritavus Domini regis nunc, fuit in Hibernia, legem Anglicorum in Hibernia usque ad hunc diem habere, & secundum ipsam legem judicari & deduci debent. And so pleaded the Charter of Denization granted to the Ostmen recited before; all which appeareth at large in the said Record: Wherein we may note, that the killing of an Irishman was not punished by our Law as Manslaughter, which is Felony, and Capital, (for our Law did neither protect his Life, nor revenge his Death) but by a Fine or pecuniary Punishment, which is called an Erick, according to the *Brehon*, or *Irish-Law*.

Again, at a Goal-delivery, before the same Lord Justice at Limerick, in the Roll of the same Year, we find that Willielmus filius Rogeri rogatus de morte Rogeri de Canteton felonice per ipsum imperfecti, venit & dicit; quod feloniam per imperfecti prædictam committere non potuit, quia dicit quod prædict. Rogerus Hibernic. est, & non de libero sanguine; dicit etiam quod prædict. Rogerus fuit de Cognomine de Ohederiscal & non de Cognomine de Cantetons, & de hoc ponit se super patriam, &c. Et Jurati dicunt super Sacram. suum, quod prædictus Rogerus Hibernicus fuit & de cognomine de Ohederiscal & pro Hibernico habebatur tota vita sua: ideo prædict. Willielmus quoad feloniam prædict. quietus. Sed quia prædictus Rogerus Ohederiscal fuit Hibernicus Domini Regis, prædict. Willielmus recommittatur Goalæ, quousque plegios invenerit de quinque marcis solvendis Domino Regi pro solutione prædicti Hibernici.

But on the other side, if the Jury had found, that the Party slain had been of English Race and Nation, it had been adjug'd Felony; as appeareth by a Record of 29th of Edward the First, in the Crown-Office here. Coram

Waltero Lenfant & sociis suis Justitiariis itinerantibus a. pud Drogheda in Comitatu Louth. Johannes Laurens indicat. de morte Galfridi Donedal venit & non dedicit mortem prædictam: sed dicit quod prædict. Galfridus fuit Hibernicus, & non de libero sanguine, & de bono & malo posuit se super patriam, &c. Et jurat. dicunt super Sacram suum, quod prædict. Galfridus Anglicus fuit, & ideo prædict. Johannes culpabilis est de morte Galfridi prædict. ideo suspend. Catalla 13 s. unde Hugo de Clinton Vicecom. respondet.

Hence it is, that in all the Parliament Rolls which are extant from the Fortieth Year of *Edward* the third, when the Statutes of *Kilkenny* were enacted, till the Reign of King *Henry* the Eighth, we find the degenerate and disobedient *English* called Rebels; but the *Irish* which were not in the King's Peace, are called Enemies. Statute *Kilkenny*. c. 1. 10, 11. 11 *Hen.* 4. c. 24. 10 *Hen.* 6. c. 1. 18. 18 *Hen.* 6. c. 4. 5 *Edward* 4. c. 6. 10 *Hen.* 7. c. 17. All these Statutes speak of *English Rebels*, and *Irish Enemies*; as if the *Irish* had never been in Condition of Subjects, but always out of the Protection of the Law; and were indeed in worse case than *Aliens* of any foreign Realm that was in Amity with the Crown of *England*. For, by divers heavy Penal Laws, the *English* were forbidden to Marry, to Foster, to make Gossips with the *Irish*; or to have any Trade or Commerce in their Markets or Fairs; nay, there was a Law made no longer since than the 28th Year of *Henry* the Eighth, that the *English* should not marry with any Person of *Irish Blood*, tho' he had gotten a Charter of Denization, unless he had done both Homage and Fealty to the King in the Chancery, and were also bound by Recognizance with Sureties to continue a loyal Subject. Whereby it is manifest, that such as had the Government of *Ireland* under the Crown of *England*, did intend to make a perpetual Separation and Enmity between the *English* and the *Irish*; pretending (no doubt) that the *English* should in the end root out the *Irish*; which the *English* not being able to do did cause a perpetual War between the Nations; which

continue

continued Four hundred and odd Years, and would have lasted to the World's End; if in the end of Queen Elizabeth's Reign, the *Irishry* had not been broken and conquer'd by the Sword: And since the beginning of his Majesty's Reign, had not been protected and governed by the Law.

But perhaps, the *Irishry* in former times did wilfully refuse to be subject to the Laws of *England*, and would not be Partakers of the benefit thereof, though the Crown of *England* did desire; and therefore, they were reputed *Aliens, Out-Laws, and Enemies*. Assuredly, the contrary doth appear, as well by the Charters of Denization purchased by the *Irish* in all Ages, as by a Petition preferr'd by them to the King, *Anno 2. Edward the third*; desiring that an *Act* might pass in *Ireland*, whereby all the *Irishry* might be enabled to use and enjoy the Laws of *England*, without purchasing of particular Denizations: Upon which Petition, the King directed a special Writ to the Lord Justice; which is found amongst the Close-Rolls in the Tower of *London*, in this form: *Rex dilecto & fidieli suo Johanni Darcile Mepieu Justic. suo Hiberniae, Salutem. Ex parte quorundam hominum de Hibernia nobis extitit supplicatum, ut per Statutum inde faciendum concedere velimus, quod omnes Hibernici qui voluerint, legibus utatur Anglicanis: ita quod necesse non habeant super hoc Chartas alienas a nobis impetrare: nos igitur Certiorari volentes si sine alieno prejudicio præmissis annuere valeamus, vobis mandamus quod voluntatem magnatum terræ illius in proximo Parliamento nostro ibidem tenendo super hoc cum diligentia perscrutari facias: & de eo quod inde inveneritis unâ cum Consilio & advisamento nobis certificetis, &c.* Whereby I collect, that the great Lords of *Ireland* had informed the King that the *Irishry* might not be Naturalized, without damage and prejudice either to themselves, or to the Crown.

But I am well assured, that the *Irishry* did desire to be admitted to the benefit of the Law, not only in this Petition exhibited to King *Edward the Third*; but by all their Submissions made to King *Richard the Second*.

and to the Lord *Thomas of Lancaster* before the Wars of the Two Houses; and afterwards to the Lord *Leonard Grey*, and Sir *Anthony Saint-Leger*, when King *Henry the Eighth* began to reform this Kingdom. In particular, the *Birns* of the Mountains, in 34th of *Henry the Eighth*, desire that their Country might be made Shire-ground, and called the County of *Wicklow*: And in the 23d of *Henry the Eighth*, *O'Donnell* doth covenant with Sir *William Skeffington*, *Quod si Dominus Rex velit reformare Hiberniam*, (whereof it should seem he made some doubt) that he and his People would gladly be governed by the Laws of *England*. Only that ungrateful *Traytor Tirone*, tho' he had no colour or shadow of Title to that great Lordship, but only by Grant from the Crown, and by the Law of *England* (for by the *Irish* Law he had been ranked with the meanest of his Sept) yet in one of his Capitulations with the State, he required that no Sheriff might have Jurisdiction with *Tirone*, and consequently that the Laws of *England* might not be executed there: Which Request, was never before made by *O Neale*, or any other Lord of the *Irish*, when they submitted themselves; but contrarywise they were humble Suitors to have the Benefit and Protection of the *English* Laws.

This then I note as a great defect in the civil Policy of this Kingdom, in that for the space of Three Hundred and Fifty Years at least after the Conquest first attempted, the *English* Laws were not communicated to the *Irish*, nor the Benefit and Protection thereof allow'd unto them, though they earnestly desir'd and sought the same. For, as long as they were out of the Protection of the Law; so as every *Englishman* might oppress, spoil, and kill them without Controulment, how was it possible they should be other than Out-laws and Enemies to the Crown of *England*? If the King would not admit them to the condition of Subjects, how could they learn to acknowledge and obey him as their Sovereign? When they might not converse or commerce with any civil Men, nor enter into any Town or City without

without peril of their Lives; whither should they fly but into the Woods and Mountains, and there live in a wild and barbarous manner? If the *English* Magistrates would not rule them by the Law which doth punish Treason, and Murder, and Theft, with Death; but leave them to be ruled by their own Lords and Laws, why should they not embrace their own *Brehon* Law, which punisheth no Offence but with a Fine or *Erick*? If the *Irish* be not permitted to purchase Estates of Freeholds or Inheritance, which might descend to their Children, according to the course of our Common Law, must they not continue their Custom of *Tanistrie*, which makes all their Possessions uncertain, and brings Confusion, Babarism, and Incivility? In a Word, if the *English* would neither in Peace govern them by the Law, nor could in War root them out by the Sword; must they not needs be Pricks in their Eyes, and Thorns in their Sides, till the World's End? and so the Conquest never be brought to Perfection.

But on the other side; if from the beginning the Laws of *England* had been established, and the *Brehon* or *Irish* Law utterly abolished, as well in the *Irish* Countries, as the *English* Colonies: If there had been no difference made between the Nations in point of Justice and Protection, but all had been governed by one equal, just, and honourable Law, as *Dido* speaketh in *Virgil*; *Tros, Tyriusve mihi nullo discrimine habetur.* If upon the first Submission made by the *Irish* Lords to King *Henry* the Second; *Quem in Regem & Dominum receperunt*, saith *Matth. Paris*; or upon the second Submission made to King *John*, when, *Plusquam viginti Reguli maximo timore perterriti homagium ei & fidelitatem fecerunt*, as the same Author writeth; or upon the third general Submission made to King *Richard* the second; when they did not only do Homage and Fealty, but bound themselves by Indentures and Oaths (as is before expressed), to become and continue loyal Subjects to the Crown of *England*: If any of these three Kings, who came each of them twice in Person into this Kingdom, had upon

these Submissions of the *Irishry*, received them all, both Lords and Tenants, into their immediate Protection, divided their several Countries into Counties; made Sheriffs, Coroners, and Wardens of the Peace therein: sent Justices itinerants half yearly into every part of the Kingdom, as well to punish Malefactors, as to hear and determine Causes between Party and Party, according to the Course of the Laws of *England*, taken Surrenders of their Lands and Territories, and granted Estates unto them, to hold by *English* Tenures; granted them Markets, Fairs, and other Franchises, and erected corporate Towns among them; (all which hath been performed since his Majesty came to the Crown) assuredly the *Irish* Countries had long since been reformed and reduced to Peace, Plenty, and Civility, which are the Effects of Laws and good Government: they had builded Houses, planted Orchards, and Gardens, erected Townships, and made Provision for their Posterities; there had been a perfect Union betwixt the two Nations, and consequently, a perfect Conquest of *Ireland*. For the Conquest is never perfect till the War be at an End, and the War is not at an end till there be Peace and Unity; and there can never be Unity and Concord in any one Kingdom, but where there is but one King, one Allegiance, and one Law.

True it is, that King *John* made twelve Shires in *Leinster* and *Munster*: namely, *Dublin*, *Kildare*, *Meath*, *Uriel*, *Catherlogh*, *Kilkenny*, *Wexford*, *Waterford*, *Cork*, *Limerick*, *Kerry*, and *Tipperary*: Yet these Counties did stretch no farther than the Lands of the *English* Colonies did extend. In them only were the *English* Laws published and put in Execution; and in them only did the itinerant Judges make their Circuits and Visitations of Justice, and not in the Countries possessed by the *Irishry*, which contained two third parts of the Kingdom at least. And therefore King *Edward* the First, before the Court of Parliament was established in *Ireland*, did transmit the Statutes of *England* in this Form: *Dominus Rex mandavit Breve suum in hæc verba: Edwardus Dei gratia,*

tia, Rex Angliae, Dominus Hiberniae, &c. Cancellario suo Hiberniae, Salutem. Quædam statuta per nos de assensu Prælatorum, Comitum, Baronum & Communitat. regni nostri nuper apud Lincolne, & quædam alia statuta postmodum apud Eborum facta, quæ in dicta terra nostra Hiberniae ad Communem utilitatem populi nostri ejusdem terræ observari volumus, vobis mittimus sub sigillo nostro, mandantes quod statuta illa indicta Cancellaria nostra Custoderi, ac in rotulis ejusdem Cancellarie irrotulari, & ad singulas placeas nostras in terra nostra Hiberniae, & singulos Comitatus ejusdem terræ mitti faciatis ministris nostris placearum illarum, & Vicecomitibus dictorum Comitatum: mandantes, quod statuta illa coram ipsis publicari & ea in omnibus in singulis Articulis suis observari firmiter faciatis. Teste meipso apud Nottingham &c. By which Writ, and by all the Pipe-Rolls of that time it is manifest, that the Laws of England were published and put in Execution only in the Counties, which were then made and limited, and not in the Irish Countries, which were neglected and left wild; and have but of late Years been divided into one and twenty Counties more.

Again, true it is that by the Statute of Kilkenny, enacted in this Kingdom, in the Fortieth Year of King Edward the Third, the Brehon Law was condemned and abolished, and the Use and Practice thereof made High-Treason. But this Law extended to the English only, and not to the Irish: For the Law is penned in this form: Item, Forasmuch as the diversity of Government by divers Laws in one Land, doth make diversity of Liegeance and Debates between the People, It is accorded and established, that hereafter no Englishman have debate with another Englishman, but according to the course of the Common Law; and that no Englishman be ruled in the definition of their Debates, by the March-Law, or the Brehon Law, which by reason ought not to be named a Law, but an evil Custom; but that they be ruled as right is, by the Common Law of the Land, as the Lieges of our Sovereign Lord the King; And if any do to the contrary, and thereof be attainted, that he be taken and imprisoned, and judged

ed as a Traytor: And that hereafter there be no diversity of Ligeance between the English born in Ireland and the English born in England; but that all be called and reputed English, and the Lieges of our Sovereign Lord the King, &c. This Law was made only to reform the degenerate English, but there was no care taken for the Reformation of the meer Irish; no Ordinance, no Provision made for the abolishing of their barbarous Customs and Manners. Insomuch as the Law then made for Apparel, and riding in Saddles, after the English Fashion, is penal only to English Men, and not to the Irish. But the Roman State, which conquered so many Nations both barbarous and civil; and therefore knew by Experience, the best and readiest way of making a perfect and absolute Conquest, refused not to communicate their Laws to the rude and barbarous People whom they had conquered; neither did they put them out of their Protection after they had once submitted themselves: But contrary-wise, it is said of Julius Caesar: *Quā, vicit, vīctos protegit, ille manu.* And again, of another Emperor:

*Fecisti patriam diversis gentibus unam,
Profuit invitis te dominante capi;
Dumque offers vīctis proprii consortia juris,
Urbem fecisti, quod prius orbis erat.*

And of Rome itself;

*Hec est, in gremium vīctos quæ sola recepit,
Humanumque genus communi nomine forvit,
Matris, non dominæ, ritu; Civesque vocavit,
Quos domuit, nexusque pio longinqua revinxit.*

Therefore (as Tacitus writeth) Julius Agricola, the Roman General in Britany, used this Policy to make a perfect Conquest of our Ancestors, the ancient Britains; they were (saith he) rude and dispersed; and therefore prone upon every Occasion to make War, but to induce them by pleasure to Quietness and Rest, he exhorted them

them in private, and gave them helps in common, to build Temples, Houses, and places of publick Resort. The Noblemen's Sons he took and instructed in the liberal Sciences, &c. preferring the Wits of the Britains before the Students of *France*; as being now curious to attain the Eloquence of the *Roman* Language, whereas they lately rejected that Speech. After that, the *Roman* Attire grew to be in account, and the Gown to be in use among them; and so by little and little they proceeded to Curiosity and Delicacies in Buildings and Furniture of Household, in Bathes, and exquisite Banquets; and so being come to the heighth of Civility, they were thereby brought to an absolute Subjection.

Likewise our *Norman* Conqueror, though he oppressed the *English* Nobility very sore, and gave away to his Servitors the Lands and Possessions of such as did oppose his first Invasion, though he caused all his Acts of Council to be published in *French*; and some legal Proceedings and Pleadings to be framed and used in the same Tongue, as a Mark and Badge of a Conquest; yet he governed All, both *English* and *Normans*, by one and the same Law, which was the ancient and common Law of *England*, long before the Conquest. Neither did he deny any *Englishman* (that submitted himself unto him) the Benefit of that Law, though it were against a *Norman* of the best Rank, and in greatest Favour, as appeared in the notable Controversy between *Warren* the *Norman*, and *Sherburne* of *Sherburne*-Castle in *Norfolk*, for the Conqueror had given that Castle to *Warren*; yet when the Inheritors thereof had alledged before the King, that he never bear Arms against him; that he was his Subject, as well as the other, and that he did inherit and hold his Lands, by the rules of that Law, which the King had established among all his Subjects; the King gave Judgment against *Warren*, and commanded that *Sherburne* should hold his land in Peace. By this means, he obtained a peaceable Possession of the Kingdom within few Years; whereas, if he had cast all the *English* out of his Protection, and held them as *Aliens* and *Enemies* to the

Crown, the *Normans* (perhaps) might have spent as much Time in the Conquest of *England*, as the *English* have spent in the Conquest of *Ireland*.

The like prudent Course hath been observed in reducing of *Wales*; which was performed partly by King *Edward* the First, and altogether finished by King *Henry* the Eighth. For we find by the Statute of *Rutland*, made the 12th of *Edward* the First, when the *Welshmen* had submitted themselves, *De alto & Basso*, to that King, he did not reject and cast them off, as Out-laws and Enemies, but caused their Laws and Customs to be examined, which were in many Points agreeable to the *Irish* or *Breton* Law. *Quibus diligenter auditis & plenius intellectis, quasdam illarum* (saith the King in that Ordinance) *Consilio procerum deleuimus; quasdam permisimus; quasdam correxiimus; ac etiam quasdam alias adjiciendas & faciend. decrevimus*; and so established a Commonwealth among them, according to the Form of the *English* Government. After this, by reason of the sundry Insurrections of the Barons; the Wars in *France*, and the Dissention between the Houses of *York* and *Lancaster*, the State of *England* neglected or omitted the Execution of this Statute of *Rutland*; so as a great part of *Wales* grew wild and barbarous again. And therefore King *Henry* the Eighth, by the Statutes of 27 and 32 of his Reign, did revive and re-continue that noble Work begun by King *Edward* the First, and brought it indeed to full Perfection; for he united the Dominion of *Wales* to the Crown of *England*, and divided it into Shires, and erected in every Shire, one Borough, as in *England*; and enabled them to send Knights and Burgesses to the Parliament; established a Court of Presidency, and ordained that Justices of Assize and Goal-delivery, should make their Half-year Circuits there, as in *England*; made all the Laws and Statutes of *England*, in Force there; and among other *Welsh* Customs, abolished that of *Gavel-kind*; whereby the Heirs-Females were utterly excluded, and the Bastards did inherit, as well as the Legitimate, which is the very *Irish Gavel-kind*. By Means whereof that entire Country in a short

short time was securely settled in Peace and Obedience, and hath attained to that Civility of Manners, and Plenty of all Things, as now we find it not inferior to the best Parts of *England*.

I will therefore knit up this Point with these Conclusions ; First, that the Kings of *England*, which in former Ages attempted the Conquest of *Ireland*, being ill advised and counselled by the great Men here, did not upon the Submissions of the *Irish*, communicate their Laws unto them, nor admit them to the State and Condition of Free-subjects : Secondly, that for the Space of 200 Years at least, after the first Arrival of *Henry the Second* in *Ireland*, the *Irish* would gladly have embraced the Laws of *England*, and did earnestly desire the Benefit and Protection thereof ; which being denied them, did of Necessity cause a continual bordering War between the *English* and the *Irish*. And Lastly, if according to the Examples before recited, they had reduced as well the *Irish* Countries, as the *English* Colonies, under one Form of Civil Government (as now they are,) the Meers and Bounds of the Marches and Borders, had been long since worn out and forgotten, (for it is not fit, as *Cambrensis* writeth) that a King of an Island should have any Marches or Borders, (but the Four Seas) both Nations had been incorporated and united ; *Ireland* had been entirely conquered, planted, and improved ; and returned a rich Revenue to the Crown of *England*.

The next Error in the Civil Policy which hindred the Perfection of the Conquest of *Ireland*, did consist in the Distribution of the Lands and Possessions which were won and conquered from the *Irish*. For the Scopes of Land which were granted to the first Adventurers, were too large ; and the Liberties and Royalties, which they obtained therein, were too great for Subjects ; though it stood with Reason that they should be rewarded liberally out of the Fruits of their own Labours, since they did *Militare propriis stupendiis*, and received no Pay from the Crown of *England*. Notwithstanding there ensued divers Inconveniences, that gave great Impediment to the Conquest.

First,

First, the Earl *Strongbow* was entituled to the whole Kingdom of *Leinster*; partly by Invasion, and partly by Marriage; albeit, he surrendred the same entirely to King *Henry the Second* his Sovereign; for that with his License he came over; and with the Aid of his Subjects, he had gained that great Inheritance; yet did the King re-grant back again to him and his Heirs all that Province, reserving only the City of *Dublin*, and the Cantreds next adjoyning, with the Maritime Towns, and principal Forts and Castles. Next, the same King granted to *Robert Fitz-Stephen*, and *Miles Cogan*, the whole Kingdom of *Cork*, from *Lismore* to the Sea. To *Philip Bruce*, he gave the whole Kingdom of *Limerick*, with the Donation of Bishopricks, and Abbies (except the City, and one Cantred of Land adjoyning.) To Sir *Hugh de Lacy*, all *Meath*. To Sir *John de Courcy*, all *Ulster*. *William Burke Fitz-Adelm*, the greatest Part of *Conaught*. In like manner, Sir *Thomas de Clare*, obtained a Grant of all *Thomond*; and *Otho de Grandison* of all *Tipperary*; and *Robert le Poer*, of the Territory of *Waterford*, (the City it self, and the Cantred of the *Oostmen* only excepted.) And thus was all *Ireland* Cantonized among ten Persons of the *English* Nation; and though they had not gained the Possession of one third Part of the whole Kingdom, yet in Title they were Owners and Lords of all, so as nothing was left to be granted to the Natives. And therefore we do not find in any Record or Story for the Space of Three hundred Years, after these Adventurers ~~first~~ arrived in *Ireland*, that any *Irish* Lord obtained a Grant of his Country from the Crown, but only the King of *Thomond*, who had a Grant but during King *Henry the Third*, his Minority; and *Rotherick O Connor*, King of *Conaught*, to whom King *Henry the Second*, before this Distribution made, did grant (as is before declared) *Ut sit Rex sub eo*; and moreover, *Ut teneat terram suam Conactiae ita bene & in pace, sicut tenuit antequam Dominus Rex intravit Hiberniam*. And whose Successor, in the 24th of *Henry the Third*, when the *Bourkes* had made a strong Plantation there, and had well-nigh expelled him out of his

his Territory, he came over into *England*, (as *Matth. Paris* writeth) and made Complaint to King *Henry the Third*, of this Invasion made by the *Bourkes* upon his Land, insisting upon the Grants of King *Henry the Second*, and King *John*; and affirming, that he had duly paid a yearly Tribute of Five thousand Marks for his kingdom. Whereupon, the King called unto him the Lord *Maurice Fitz-Gerald*, who was then Lord Justice of *Ireland*, and President in the Court; and commanded him that he should root out that unjust Plantation, which *Hubert Earl of Kent* had, in the time of his Greatness, planted in those Parts; and wrote withal to the great Men of *Ireland* to move the *Bourks*, and to establish the King of *Connaught* in the quiet Possession of his kingdom. Howbeit, I do not read, that the King of *England's* Commandment or Direction in this Behalf was ever put in Execution. For, the truth is, *Richard de Bourgo* had obtained a Grant of all *Connaught*, after the Death of the King of *Connaught*, then living. For which he gave a thousand Pound, as the Record in the Tower reciteth, the Third of *Henry the Third*, *Claus. 2.* And besides, our Great *English* Lords could not endure that any Kings should reign in *Ireland*, but themselves; nay, they could hardly endure that the Crown of *England* it self, should have any Jurisdiction or Power over them. For many of these Lords, to whom our Kings had granted these petty kingdoms, did by Vertue and Colour of these Grants, claim and exercise *Jura Regalia* within their Territories; insomuch, as there were no less than Eight Counties *Patent* in *Ireland* at one time.

For *William Marshal*, Earl of *Pembroke*, who married the Daughter and Heir of *Strongbow*, being Lord of all *Leinster*, had Royal Jurisdiction throughout all that Province. This great Lord had five Sons, and five Daughters; every of his Sons enjoyed that Seigniory successively, and yet all dyed without Issue. Then this great Lordship was broken and divided, and Partition made between the five Daughters, who were married into the noblest Houses of *England*. The County of *Catherlough* was

was allotted to the eldest ; *Wexford* to the Second ; *Kilkenny* to the Third ; *Kildare* to the Fourth ; the greatest part of *Leix*, now called the *Queen's County*, to the Fifth : In every of these Portions, the Coparceners severally exercised the same Jurisdiction Royal, which the Earl Marshal and his Sons had used in the whole Province. Whereby it came to pass, that there were five County Palatines erected in *Leinster*. Then had the Lord of *Meath* the same Royal Liberty in all that Territory ; the Earl of *Ulster* in all that Province ; and the Lord of *Desmond* and *Kerry* within that County. All these appear upon Record, and were all as ancient as the time of King *John* ; only the Liberty of *Tipperary*, which is the only Liberty that remaineth at this Day, was granted to *James Butler* the first Earl of *Ormonde*, in the Third Year of King *Edward the Third*.

These absolute Palatines made Barons and Knights, did exercise high Justice in all Points within their Territories, erected Courts for Criminal and Civil Causes, and for their own Revenues, in the same Form, as the Kings Courts were established at *Dublin* ; made their own Judges, Seneschals, Sheriffs, Coroners, and Escheators ; so the King's Writ did not run in those Counties (which took up more than two Parts of the *English Colonies*) but only the Church Lands lying within the same, which were called the *Cross*, wherein the King made a Sheriff : And so, in each of these Counties Palatines, there were two Sheriffs ; One, of the *Liberty* ; and another of the *Cross* : As in *Meath* we find a Sheriff of the *Liberty*, and a Sheriff of the *Cross* : And so in *Ulster*, and so in *Wexford* : And so at this Day, the Earl of *Ormonde* maketh a Sheriff of the *Liberty*, and the King a Sheriff of the *Cross* of *Tipperary*. Hereby it is manifest, how much the King's Jurisdiction was restrained, and the Power of these Lords enlarged by these high Priviledges. And it doth further appear, by one Article among others, preferred to King *Edward the Third*, touching the Reformation of the State of *Ireland*, which we find in the *Tower*, in these Words, *Item les franchises grantes in Ireland, que sont. Roialles, telles*

telles come Duresme & Cestre, vous ouftont cy bien de les profits, Come de grande partie de Obeifance des persons en francheses ; & en quescum franchise est Chancellerie, Chequer & conusans de pleas, cy bien de la Coronne, Come autres communes, & grantont auxi Charters de pardon ; & sont fovent per ley et reasonable cause seiffes en vostre main, a grand profit de vous ; & leigerment restitues per maundement hors de Engletterre, a damage, &c. Unto which Article, the King made Answer, *Le Roy voet que les franchises que sont et serront per Juste cause prises en sa main, ne soent my restitues, avant que le Roy soit certifie de la cause de la prise de icelles,* 26. Ed. 3. Claus, m. 1. Again, these great Undertakers, were not tied to any Form of Plantation, but all was left to their Discretion and Pleasure. And although they builded Castles, and made Free-holders, yet were there no Tenures or Services reserved to the Crown ; but the Lords drew all the Respect and Dependancy of the common People unto *Themselves*. Now let us see what Inconveniences did arise by these large and ample Grants of Lands and Liberties, to the first Adventurers in the Conquest.

Affuredly by these Grants of whole Provinces, and petty kingdoms, those few *English* Lords pretended to be Proprietors of all the Land, so as there was no Possibility left of settling the Natives in their Possessions, and by Consequence the Conquest became impossible, without the utter Extirpation of all the *Irish* ; which these *English* Lords were not able to do, nor perhaps willing, if they had been able. Notwithstanding, because they did still hope to become Lords of those Lands which were possessed by the *Irish*, whereunto they pretended Title by their large Grants ; and because they did fear, that if the *Irish* were received into the King's Protection, and made Leige-men and Free-subjects, the State of *England* would establish them in their Possessions by Grants from the Crown, reduce their Countries into Counties, ennable some of them ; and enfranchise all, and make them amesneable to the Law, which would have abridged and cut off a great Part of that Greatness which they had promised

mised unto themselves; they perswaded the King of *Eng. land*, that it was unfit to communicate the Laws of *Eng. land* unto them; that it was the best Policy to hold them as *Aliens and Enemies*, and to prosecute them with a continual War. Hereby they obtained another Royal Pre-rogative and Power; which was, to make War and Peace at their pleasure, in every part of the kingdom, which gave them an absolute Command over the Bodies, Lands, and Goods of the *English Subjects* here. And besides, the *Irish* inhabiting the Lands fully conquered and reduced, being in Condition of Slaves and Villains, did render a greater Profit and Revenue, than if they had been made the King's free Subjects.

And for these Two Causes last expressed, they were not willing to root out all the *Irishry*. We may not therefore marvel, that when King *Edward the Third*, upon the Petition of the *Irish* (as is before remembred) was desirous to be certified, *De voluntate magnatum suorum in proximo Parlamento in Hibernia tenend. si sine alieno prejudicio concedere possit, quod per statut. inde fact. Hibernici utantur legibus Anglicanis, sive Chartis Regiis inde Impetrandis*, that there was never any Statute made to that Effect. For the Truth is, that those great *English* Lords did to the uttermost of their Power, cross and withstand the Enfranchisement of the *Irish*, for the Causes before expressed; wherein I must still clear and acquit the Crown and State of *England*, of Negligence or ill Policy, and lay the Fault upon the Pride, Covetousness, and ill Counsel of the *English* planted here, which in all former Ages have been the chief Impediments of the final Conquest of *Ireland*.

Again, those large Scopes of Land, and great Liberties, with the absolute Power to make War and Peace, did raise the *English* Lords to that height of Pride and Ambition, as that they could not endure one another, but grew to a mortal War and Dissentio[n] among themselves, as appeareth by all the Records and Stories of this kingdom. First, in the Year, 1204. the *Lacies of Meath*, made War upon Sir *John Courcy*; who having taken him

by

by Treachery, sent him Prisoner into *England*. In the Year, 1210. King *John* coming over in Person, expelled the *Lacies* out of the Kingdom, for their Tyranny and Oppression of the *English*: Howbeit, upon Payment of great Fines, they were afterward restored. In the Year 1228. that Family being risen to a greater Heighth (for *Hugh de Lacy* the Younger, was created Earl of *Ulster*, after the Death of *Courcy* without Issue) there arose Dissention and War between that House, and *William Marshal* Lord of *Leinster*, whereby all *Meath* was destroyed and laid waste. In the Year 1264. Sir *Walter Bourke* having married the Daughter and Heir of *Lacy*, whereby he was Earl of *Ulster* in right of his Wife, had mortal Debate with *Maurice Fitz-Morice* the *Geraldine*, for certain Lands in *Connaught*. So as all *Ireland* was full of Wars between the *Bourkes* and the *Geraldines* (say our Annals.) Wherein *Maurice Fitz-Morice* grew so insolent, as that upon a meeting at *Thistledermot*, he took the Lord Justice himself, Sir *Richard Capel*, Prisoner, with divers Lords of *Munster*, being then in his Company. In the Year, 1288. *Richard Bourke*, Earl of *Ulster*, (commonly called the *Red Earl*) pretending Title to the Lordship of *Meath*, made War upon Sir *Theobald de Verdun*, and besieged him in the Castle of *Athlone*. Again, in the Year 1292. *John Fitz-Thomas* the *Geraldine*, having by Contention with the Lord *Vesci*, gotten a goodly Inheritance in *Kildare*, grew to that heighth of Imagination (saith the Story) as he fell into Difference with divers great Noblemen; among many others, with *Richard the Red Earl*, whom he took Prisoner, and detained him in *Castle-Ley*; and by that Dissention, the *English* on the one side, and the *Irish* on the other, did waste and destroy all the Country.

After, in the Year 1311. the same *Red Earl* (coming to besiege *Bonratty* in *Thomond*, which was then held by Sir *Richard de Clare* as his Inheritance) was again taken Prisoner; and all his Army (consisting for the most Part of *English*) overthrown and cut in pieces, by Sir *Richard de Clare*. And after this again, in the Year 1327. most

of the great Houses were bandied one against another, (viz.) The *Giraldines*, *Butlers*, and *Berminghams*, on the one side, and the *Bourks* and *Poers* on the other. The Ground of the Quarrel being none other, but that the Lord *Arnold Poer* had called the Earl of *Kildare* Rimer: But this Quarrel was prosecuted with such Malice and Violence, as the Counties of *Waterford* and *Kilkenny* were destroyed with Fire and Sword, till a Parliament was called of purpose, to quiet this Dissentio.

Shortly after, the Lord *John Birmingham*, who was not long before made Earl of *Louth*, for that noble Service which he performed upon the *Scots*, between *Dundalk* and the *Faher*, was so extremely envied by the *Gernons*, *Verdons*, and others of the ancient Colony, planted in the County of *Louth*, as that in the Year 1329, they did most wickedly betray and murder that Earl, with divers principal Gentlemen of his Name and Family; using the same Speech that the Rebellious Jews are said to use in the Gospel :

Nolumus hunc regnare super nos.

After this, the *Geraldines* and the *Butlers* being become the most potent Families in the Kingdom (for the great Lordship of *Leinster* was divided among Coparceners, whose Heirs for the most part lived in *England*; and the Earldom of *Ulster*, with the Lordship of *Meath*, by the match of *Lionel Duke of Clarence*, at last descended upon the Crown) had almost a continual War one with another. In the time of King *Henry the Sixth* (saith *Baron Finglas* in his Discourse of the Decay of *Ireland*,) in a Fight between the Earls of *Ormonde* and *Desmond*, almost all the Townsmen of *Kilkenny* were slain. And as they followed contrary Parties during the Wars of *York* and *Lancaster*, so after that civil Dissentio ended in *England*, these Houses in *Ireland* continued their Opposition and Feud still, even till the time of King *Henry the Eighth*; when by the Marriage of *Margaret Fitz-Gerald* to the Earl of *Offory*, the Houses of *Kildare* and *Ormonde*

Ormonde were reconciled, and have continued in Amity ever since.

Thus these great Estates and Royalties granted to the English Lords in Ireland, begat Pride; and Pride begat Contention among themselves, which brought forth divers Mischiefs, that did not only disable the English to finish the Conquest of all Ireland, but did endanger the Loss of what was already gained; And of Conquerors, made them Slaves to that Nation which they did intend to conquer. For, whensoever one English Lord had vanquish'd another, the Irish waited and took the Opportunity, and fell upon that Country which had received the Blow; and so daily recovered some part of the Lands, which were possessed by the English Colonies.

Besides, the English Lords to strengthen their Parties did ally themselves with the Irish, and drew them in, to dwell among them, gave their Children to be Foster'd among them; and having no other means to pay or reward them, suffer'd them to take Coigne and Livery upon the English Free-holders; which Oppression was so intolerable, as that the better sort was enforced to quit their Free-holds, and flie into England; and never returned, though many Laws were made in both Realms, to remand them back again; and the rest which remained, became degenerate and meer Irish, as is before declared. And the English Lords finding the Irish Exactions to be more profitable than the English Rents and Services; and loving the Irish Tyranny, which was tyed to no Rules of Law or Honour, better than a just and lawful Seigniory, did reject and cast off the English Law and Government, received the Irish Laws and Customs, took Irish Sir-names, as *Mac-William*, *Mac-Pheris*, *Mac-Yris*, refused to come to the Parliaments which were summoned by the King of England's Authority, and scorned to obey those English Knights which were sent to command and govern this Kingdom; namely, Sir *Richard Capel*, Sir *John Morris*, Sir *John Darcy*, and Sir *Ralph Ufford*. And when Sir *Anthony Lucy*, a Man of great Authority in the time of King *Edward the Third*, was sent over

over to reform the notorious Abuses of this Kingdom; the King doubting that he should not be obeyed, directed a special Writ or Mandate to the Earl of Ulster, and the rest of the Nobility to assist him. And afterwards, the same King (upon good Advice and Counsel) resumed those excessive Grants of Lands and Liberties in *Ireland* by a special Ordinance made in *England*, which remaineth of Record in the Tower, in this Form: *Quia plures excessiva donationes terrarum & libertatum in Hibernia ad subdolam machinationem petentium factae sunt, &c.* *Rex delusorias hujusmodi machinationes volens elidere, de consilio peritorum sibi assistentium, omnes donationes Terrarum & libertatum predict. duxit revocandas, quousque de meritis donatorum & causis ab qualitatibus donationum melius fuerit informat. & ideo mandatum est Justiciario Hiberniae quod seipso faciat, &c.* Howbeit, there followed upon this Resumption, such a Division and Faction between the *English* of Birth and the *English* of Blood and Race, as they summoned and held several Parliaments apart one from the other. Whereupon there had risen a general War betwixt them to the utter extinguishing of the *English* Name and Nation in *Ireland*, if the Earl of *Desmond*, who was head of the Faction against the *English* of Birth, had not been sent into *England*, and detained there for a time: yet afterwards, these Liberties being restored by direction out of *England*, the 26th of *Edward* the Third, Complaint was made to the King of the easie Restitution; whereunto the King made Answer, as is before expressed: so as we may conclude this Point with that which we find in the Annals, published by Master *Cambden*: *Hibernici debellati & consumpti fuissent, nisi seditio Anglicorum impedivisset.* Whereunto I may add this Note, that though some are of Opinion that Grants of extraordinary Honours and Liberties made by a King to his Subjects, do no more diminish his Greatness than when one Torch lighteth another; for it hath no less Light than it had before, *Quis vetat apposito lumen de lumine sumi?* Yet many times Inconveniences do arise thereupon: and those Princes have held up their Sovereignty best which have

have been sparing in those Grants. And truly, as these Grants of little Kingdoms and great Royalties to a few private Persons, did produce the Mischiefs spoken of before: So the true Cause of the making of these Grants did proceed from this; That the Kings of *England* being otherwise employed and diverted, did not make the Conquest of *Ireland* their own Work, and undertake it not Royally at their own Charge; but as it was first begun by particular Adventurers, so they left the Prosecution thereof to them, and other Voluntaries, who came to seek their Fortunes in *Ireland*; wherein if they could prevail, they thought that in Reason and Honour they could do no less than make them Proprietors of such Scopes of Land as they could conquer, people, and plant at their own Charge, reserving only the Sovereign Lordship to the Crown of *England*. But if the Lyon had gone to hunt himself, the Shares of the inferior Beasts had not been so great: If the Invasion had been made by an Army transmitted, furnished, and supplied only at the King's Charges, and wholly paid with the King's Treasure, as the Armies of Queen *Elizabeth* and King *James* have been; as the Conquest had been sooner atchieved, so the Servitors had been contented with lesser Proportions.

For, when *Scipio*, *Pompey*, *Cæsar*, and other Generals of the Roman Armies, as Subjects and Servants of that State, and with the publick Charge had conquered many Kingdoms and Commonweals, we find them rewarded with Honourable Offices and Triumphs at their Return; and not made Lords and Proprietors of whole Provinces and Kingdoms, which they had subdued to the Empire of *Rome*. Likewise, when the Duke of *Normandy* had conquered *England*, which he made his own Work, and performed it in his own Person, he distributed sundry Lordships and Mannors unto his Followers, but gave not away whole Shires and Countries in demeasne to any of his Servitors, whom he most desired to advance; only he made *Hugh Lupus* County Palatine of *Chester*, and gave that Earldom to him and his Heirs, to hold the same, *Ita liberè ad gladium, sicut Rex tenebat Angliam*

ad

ad Coronam: Whereby that Earldom indeed had a Royal Jurisdiction and Seigniory, though the Lands of that County in demeasne, were possessed for the most part by the ancient Inheritors.

Again, from the Time of the *Norman Conquest* till the Reign of King *Edward the First*, many of our English Lords made War upon the *Welsh Men* at their own Charge; the Lands which they gained they held to their own use; were called *Lords Marchers*, and had Royal Liberties within their Lordships: Howbeit, these particular Adventurers could never make a perfect Conquest of *Wales*.

But when King *Edward the First* came in Person with his Army thither, kept his Residence and Court there, made the Reducing of *Wales* an Enterprize of his own, he finished that Work in a Year or two, whereof the *Lords Marchers* had not performed a third Part with their continual bordering War, for two hundred Years before. And withal, we may observe, that though this King had now the Dominion of *Wales* in *Jure proprietatis*, as the Statute of *Rutland* affirmeth; which before was subject unto him but in *Jure feodali*: And though he had lost divers principal Knights and Noblemen in that War, yet did he not reward his Servitors with whole Countries or Counties, but with particular Manors and Lordships: As to *Henry Lacy Earl of Lincoln*, he gave the Lordship of *Denbigh*; and to *Reginald Gray* the Lordship of *Ruthen*; and so to others. And if the like Course had been used in the winning and distributing the Lands of *Ireland*, that Island had been fully conquered before the Continent of *Wales* had been reduced. But the Truth is, when private Men attempt the Conquest of Countries at their own Charge, commonly their Enterprizes do perish without Success: As when, in the time of Queen *Elizabeth*, Sir *Thomas Smith* undertook to recover the *Ardes*; and *Chatterton*, to reconquer the *Fues* and *Orier*: The one lost his Son, and the other, himself; and both their Adventures came to nothing. And as for the Crown of *England*, it hath had the like Fortune

in the Conquest of this Land, as some Purchasers have, who desire to buy Land at too easie a Rate ; they find those cheap Purchases so full of Trouble, as they spend twice as much as the Land is worth before they get the quiet Possession thereof.

And as the best Policy was not observed in the Distribution of the conquered Lands ; so, as I conceive, that the first Adventurers, intending to make a full Conquest of the *Irish*, were deceived in the Choice of the fittest Places for their Plantation : For they sat down, and erected their Castles and Habitations in the *Plains and open Countries*, where they found most fruitful and profitable Lands, and turned the *Irish* into the *Woods and Mountains* : Which, as they were proper Places for Outlaws and Thieves, so were they their natural Castles and Fortifications ; thither they drove their Preys and Stealths : There they lurk, and lay in wait to do Mischief. These fast Places they kept unknown, by making the Ways and Entries thereunto impassable ; there they kept their Creaghs or Herds of Cattle, living by the Milk of the Cow, without Husbandry or Tillage ; there they increased and multiplied unto infinite Numbers by promiscuous Generation among themselves ; there they made their Assemblies and Conspiracies without Discovery : But they discovered the Weakness of the *English* dwelling in the open Plains ; and thereupon made their Sallies and Retreats with great Advantage : Whereas, on the other side, if the *English* had built their Castles and Towns in those Places of fastness, and had driven the *Irish* into the Plains and open Countries, where they might have had an Eye and Observation upon them, the *Irish* had been easily kept in order, and in short time reclaimed from their Wildness : There they would have used Tillage, dwelt together in Townships, and learned Mechanical Arts and Sciences. The Woods had been wasted with the *English* Habitations, as they are about the Forts of *Maryborough* and *Phillipstown*, which were built in the fastest Places in *Leinster* ; and the Ways and Passages throughout *Ireland*

land would have been as clear and open, as they are in *England* at this Day.

Again, if King *Henry the Second*, who is said to be the King that conquered this Land, had made Forrests in *Ireland*, as he did enlarge the Forrests in *England* (for it appeareth by *Charta de Foresta*, that he afforested many Woods and Wastes, to the Grievance of the Subject, which by that Law were disafforested) or if those *English* Lords, amongst whom the whole Kingdom was divided, had been good Hunters, and had reduced the Mountains, Boggs, and Woods within the Limits of Forrests, Chases, and Parks; assuredly, the very Forrest Law, and the Law *de Malefactoribus in parcis*, would in time have driven them into the Plains and Countries inhabited and manured, and have made them yield up their fast Places to those wild Beasts, which were indeed less hurtful and wild than they. But it seemeth strange to me, that in all the Records of this Kingdom, I seldom find any mention made of a Forrest; and never of any Park or Free-warren; considering the great Plenty both of *Vert* and *Venison* within this Land; and that the chief of the Nobility and Gentry are descended of *English* Race; and yet at this Day, there is but one Park stored with Deer in all this Kingdom, which is a Park of the Earl of *Ormonde* near *Kilkenny*. It is then manifest, by that which is before expressed, that the not communicating of the *English* Laws to the *Irish*, the over-large Grants of Lands and Liberties to the *English*; the Plantation made by the *English* in the Plains and open Countries, leaving the Woods and Mountaines to the *Irish*, were great Defects in the Civil Policy, and hindered the Perfection of the Conquest very much. Howbeit, notwithstanding these Defects and Errors, the *English* Colonies stood and maintained themselves in a reasonable good Estate, as long as they retained their own ancient Laws and Customs, according to that of *Ennius*: *Moribus antiquis res stat Romana virisque*. But when the Civil Government grew so weak and so loose, as that the *English* Lords would not suffer the *English* Laws to be put in execution within their

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Territories and Seigniories, but in place thereof, both they and their People, embraced the *Irish Customs*: Then the estate of things, like a *Game at Irish*, was so turn'd about, as the *English*, which hop'd to make a perfect Conquest of the *Irish*, were by them perfectly and absolutely conquered; because *Victi victoribus leges dedere*. *A just Punishment to our Nation, that would not give Laws to the Irish when they might, and therefore now the Irish gave Laws to them.* Therefore, this Defect and Failing of the *English Colonies*, and the inducing of the *Irish Customs* in lieu thereof, was the main Impediment that did arrest and stop the Course of the Conquest; and was the only mean that enabled the *Irishry* to recover their Strength again.

For, if we consider the Nature of the *Irish Customs*, we shall find that the People which doth use them must of Necessity be Rebels to all good Government, destroy the Commonwealth wherein they live, and bring Barbarism and Desolation upon the richest and most fruitful Land of the World. For, whereas by the just and honourable Law of *England*, and by the Laws of all other well-govern'd Kingdoms and Commonweals, Murder, Man-slaughter, Rape, Robbery, and Theft, are punished with Death; By the *Irish Custom*, or *Brehon Law*, the highest of these Offences was punish'd only by Fine, which they called an *Ericke*. Therefore, when Sir *William Fitz-Williams*, (being Lord-Deputy,) told *Maguire*, that he was to send a Sheriff into *Fermanagh*, being lately before made a County; your Sheriff (said *Maguire*) shall be welcome to me, but let me know his *Ericke*, or, the *Price of his Head* afore-hand; that if my People cut it off, I may put the *Ericke* upon the Country. As for Oppression, Extortion, and other Trespasses, the weaker had never any Remedy against the stronger: whereby it came to pass, that no Man could enjoy his Life, his Wife, his Lands or Goods in safety, if a mightier Man than himself had an Appetite to take the same from him. Wherein they were little better than *Canibals*, who do hunt one another;

another; and that hath most Strength and Swiftness, doth eat and devour all his Fellows.

Again, in *England*, and all well-order'd Common-weals, Men have certain Estates in their Lands and Possessions, and their Inheritances descend from Father to Son, which doth give them Encouragement to build, and to plant, and to improve their Lands, and to make them better for their Posterities. But by the *Irish* Custom of *Tanistry*, the Chieftains of every Country, and chief of every Sept, had no longer Estate than for Life in their Chieferies, the Inheritance whereof did rest in no Man. And these Chieferies, though they had some Portions of Lands allotted unto them, did consist chiefly in Cuttings and Cosheries, and other *Irish* Exactions, whereby they did spoil and impoverish the People at their Pleasure. And when their Chieftains were dead, their Sons or next Heirs did not succeed them, but their *Tanistes*, who were elective, and purchased their Elections by strong Hand; And by the *Irish* Custom of *Gavelkind*, the inferior Tenantes were partible amongst all the Males of the Sept, both Bastards and Legitimate: and after Partition made, if any one of the Sept had died, his Portion was not divided among his Sons, but the Chief of the Sept made a new Partition of all the Lands belonging to that Sept, and gave every one his part according to his Antiquity.

These two *Irish* Customs made all their Possessions uncertain, being shuffled, and changed, and removed so often from one to another, by new Elections and Partitions; which uncertainty of Estates hath been the true Cause of such Desolation and Barbarism in this Land, as the like was never seen in any Country that professed the Name of Christ. For though the *Irishry* be a Nation of great Antiquity, and wanted neither Wit nor Valour; and though they had received the Christian Faith above 1200 Years since; and were Lovers of Musick, Poetry, and all kind of Learning; and possessed a Land abounding with all Things necessary for the civil Life of Man; yet (which is strange to be related) they did never build

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any Houses of Brick or Stone (some few poor Religious Houses excepted) before the Reign of King *Henry the second*, though they were Lords of this Island for many hundred Years before, and since the Conquest attempted by the *English* : Albeit, when they saw us build Castles upon their Borders, they have only in imitation of us, erected some few Piles for the Captains of the Country : yet I dare boldly say, that never any particular Person, either before or since, did build any Stone or Brick House for his private Habitation ; but such as have lately obtained Estates, according to the course of the *Law of England*. Neither did any of them in all this time, plant any Gardens or Orchards, inclose or improve their Lands, live together in settled Villages or Towns, nor made any Provision for Posterity ; which being against all common Sense and Reason, must needs be imputed to those unreasonable Customs, which made their Estate so uncertain and transitory in their Possessions.

For, who would plant or improve, or build upon that Land, which a Stranger, whom he knew not, should possess after his Death ? For that (as *Solomon* noteth) is one of the strangest Vanities under the Sun. And this is the true Reason why *Ulster*, and all the *Irish Countries* are found so waste and desolate at this Day ; and so would they continue till the World's End, if these Customs were not abolished by the *Law of England*.

Again, that *Irish Custom of Gavelkind*, did breed another Mischief ; for thereby every Man being born to Land, as well Bastard as Legitimate, they all held themselves to be Gentlemen. And though their Portions were never so small, and themselves never so poor (*For Gavel-kind must needs in the end make a poor Gentility*) yet did they scorn to descend to Husbandry or Merchandize, or to learn any Mechanical Art or Science. And this is the true Cause why there were never any Corporate Towns erected in the *Irish Countries*. As for Maritime Cities and Towns, most certain it is, that they were built and peopled by the *Ostmen* or *Scandinavians* : For the Natives of *Ireland* never performed so good a Work

as to build a City. Besides, these poor Gentlemen were so affected unto their small Portions of Land, as they rather chose to live at home by Theft, Extortion, and Coshering, than to seek any better Fortunes abroad : Which increased their *Septs* or *Surnames* into such Numbers, as there are not to be found in any Kingdom of *Europe*, so many Gentlemen of one Blood, Family, and Surname, as there are of the *Oneals* in *Ulster*, of the *Bourks* in *Conaught* ; of the *Geraldines* and *Butlers* in *Munster* and *Leinster*. And the like may be said of the inferior Bloods and Families ; whereby it came to pass in times of Trouble and Dissentient, that they made great Parties and Factions, adhering one to another, with much Constancy ; because they were tied together, *Vinculo sanguinis* ; whereas Rebels and Malefactors, which are tied to their Leaders by no Band, either of Duty or Blood, do more easily break and fall off one from another. And besides, their Co-habitation in one Country or Territory, gave them Opportunity suddenly to assemble and conspire, and rise in Multitudes against the Crown. And even now, in the time of Peace, we find this Inconvenience, that there can hardly be an indifferent Trial had between the King and his Subjects, or between Party and Party, by reason of this general Kindred and Consanguinity.

But the most wicked and mischievous Custom of all others, was that of *Coigne* and *Livery*, often before mentioned, which consisted in taking of *Man's-meat*, *Horse-meat*, and *Money*, of all the Inhabitants of the Country, at the Will and Pleasure of the Soldier, who as the Phrase of Scripture is, *Did eat up the People as it were Bread* ; for that he had no other Entertainment. This Extortion was originally *Irish*, for they used to lay *Bonaght* upon their People, and never gave their Soldiers any other Pay. But when the *English* had learned it, they used it with more Insolency, and made it more intollerable ; for this Oppression was not temporary, or limited either to Place or Time ; but because there was every where a continual War, either Offensive, or Defensive ; and e-

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very Lord of a Country, and every Marcher made War and Peace at his pleasure, it became universal and perpetual ; and was indeed the most heavy Oppression that ever was used in any Christian or Heathen Kingdom. And therefore, *Vox Oppressorum*, this crying Sin, did draw down as great, or greater Plagues upon *Ireland*, than the Oppression of the *Israelites* did draw upon the Land of *Egypt*. For the Plagues of *Egypt*, though they were grievous, were but of a short Continuance ; but the Plagues of *Ireland*, lasted four hundred Years together. This Extortion of *Coigne* and *Livery* did produce two notorious Effects : First, it made the Land waste : Next, it made the People idle. For, when the Husbandman had laboured all the Year, the Soldier in one Night, did consume the Fruits of all his Labour, *Longique perit labor irritus anni*. Had he Reason then to manure the Land for the next Year ? Or rather might he not complain as the Shepherd in *Virgil*.

*Impius hæc tam culta novalia miles habebit ?
Barbarus has segetes ? En quo discordia cives
Perduxit miseros ? En queis conseruimus agros ?*

And hereupon of Necessity came Depopulation, Banishment, and Extirpation of the better Sort of Subjects : And such as remained, became idle, and Lookers on, expecting the Event of those Miseries and evil times : So as this extream Extortion and Oppression hath been the true Cause of the Idleness of this *Irish* Nation ; and that rather the vulgar Sort have chosen to be Beggars in Foreign Countries, than to manure their own fruitful Land at home.

Lastly, this Oppression did of Force and Necessity make the *Irish* a crafty People : For such as are oppressed and live in Slavery, are ever put to their Shifts ; *ingenium mala sape movent* ; and therefore, in the old Comedies of *Plautus* and *Terence*, the Bondslave doth always act the cunning and crafty Part. Besides, all the common People have a whining Tune or Accent in their

Speech, as if they did still smart or suffer some Oppression. And this Idleness, together with fear of imminent Mischiefs, which did continually hang over their Heads, have been the Cause, that the *Irish* were ever the most inquisitive People after News, of any Nation in the World. As *S. Paul* himself made Observation upon the People of *Athens*; that they were an idle People, and did nothing but learn and tell News. And because these News-carriers, did by their false Intelligence, many times raise Troubles and Rebellions in this Realm, the Statute of *Kilkenny* doth punish News-tellers (by the Name of *Skelaghes*) with Fine and Ransom.

This Extortion of *Coigne* and *Livery*, was taken for the Maintenance of their Men of War; but their *Irish* Exactions extorted by the *Chieftains* and *Tanists*, by Colour of their barbarous Seignory, were almost as grievous a Burthen as the other; namely *Cosherings*, which were Visitations and Progresses made by the Lord and his Followers, among his Tenants: Wherein he did eat them (as the *English* Proverb is) *Out of House and Home*. *Ses-sings* of the *Kern*, of his Family, called *Kernety*, of his Horses and Horse-boys; of his Dogs and Dog-boys, and the like: And lastly, *Cuttings*, *Tallages*, or *Spendings*, high or low, at his pleasure; all which made the Lord an absolute Tyrant, and the Tenant a very Slave and Villain; and in one respect more miserable than Bond-slaves. *For commonly the Bond-slave is fed by his Lord, but here the Lord was fed by his Bond-slave.*

Lastly, there were two other Customs proper and peculiar to the *Irishry*, which being the Cause of many strong Combinations and Factions, do tend to the utter Ruine of a Commonwealth: The one was *Fostering*; the other *Gossiped*; both which have ever been of greater Estimation among this people than with any other Nation in the *Christian* World. For *Fostering*, I did never hear or read, that it was in that Use or Reputation in any other Country, barbarous or civil, as it has been, and yet is, in *Ireland*: Where they put away all their Children to Fosterers: The potent and rich Men *Selling*, the mean-

meaner sort *Buying*, the Alterage of their Children ; and the Reason is, because in the Opinion of this People, *Fostering* had always been a stronger Alliance than *Blood* ; and the Foster-Children do love, and are beloved of their Foster-fathers, and their Sept, more than of their own natural Parents and Kindred ; and do participate of their Means more frankly, and do adhere unto them in all Fortunes, with more Affection and Constancy. And though *Tully* in his Book of Friendship doth observe, that Children of Princes being sometimes in Cases of Necessity, for saving of their Lives, delivered to Shepherds to be nourished and bred up, when they have been restored to their great Fortunes, have still retained their Love and Affection to their Fosterers, whom for many Years they took to be their Parents : Yet this was a rare Case, and few Examples are to be found thereof.

But such a general Custom in a Kingdom, in giving and taking Children to foster, making such a firm Alliance as it doth in *Ireland*, was never seen or heard of, in any other Country of the World besides.

The like may be said of *Gospred*, or *Compaternity*, which though by the Canon-Law, it be a Spiritual Affinity, and a Juror that was Gospred to either of the Parties, might in former times have been challenged, as not indifferent by our Law, yet there was no Nation under the Sun, that ever made so religious Account thereof, as the *Irish*.

Now these two Customs, which of themselves are indifferent in other Kingdoms, became exceeding evil and full of Mischief in this Realm, by reason of the Inconveniences which followed thereupon. For they made (as I said before) strong Parties and Factions, whereby the great Men were enabled to oppress their Inferiors, and to oppose their Equals : And their Followers were born out and countenanced in all their lewd and wicked Actions : For Fosterers and Gossips, by the common Custom of *Ireland*, were to maintain one another in all Causes lawful and unlawful ; which as it is a Combination and Confederacy punishable in all well-governed

Commonweals, so was it not one of the least Causes of the common Misery of this Kingdom.

I omit their common Repudiation of their Wives ; their promiscuous Generation of Children ; their neglect of lawful Matrimony ; their Uncleanness in Apparel, Diet, and Lodging ; and their Contempt and Scorn of all things necessary for the civil Life of Man.

These were the *Irish Customs*, which the *English Colonies* did embrace and use, after they had rejected the Civil and Honourable Laws and Customs of *England*, whereby they became degenerate and metamorphosed like *Nebuchadnezzar* : Who although he had the Face of a Man, had the Heart of a Beast ; or like those who had drunk of *Circe's Cup*, and were turned into very Beasts ; and yet took such Pleasure in their beastly manner of Life, as they would not return to their Shape of Men again : Insomuch, as within less time than the Age of a Man, they had no Marks or Differences left amongst them of that noble Nation, from which they were descended. For, as they did not only forget the *English Language*, and scorn the use thereof, but grew to be ashamed of their very *English Names*, though they were Noble and of great Antiquity ; and took *Irish Surnames* and *Nick-names*. Namely, the two most potent Families of the *Bourks* in *Connaught* (after the House of the Red Earl failed of Heirs Males) called their Chiefs, *Mac William Eighter*, and *Mac William Oughter*. In the same Province, *Bremingham*, *Baron of Athenree*, called himself *Mac Toris*. *Dexecester* or *De'xon*, was called *Mac Jordan*. *Nangle*, or *de Angulo*, took the Name of *Mac Costello*. Of the inferior Families of the *Bourks*, one was called *Mac Hubbard*, another *Mac David*. In *Munster*, of the great Families of the *Geraldines* planted there, one was called *Mac Morice*, Chief of the House of *Lixnaw* ; and another, *Mac Gibbon*, who was also called the *White Knight*. The Chief of the *Baron of Dunboyne's* House, who is a Branch of the House of *Ormonde*, took their Surnames of *Mac Pheris*. *Condon* of the County of *Waterford*, was called *Mac Maioge* : And the Arch-deacon

con of the County of *Kilkenny*, *Mac Odo*. And this they did in Contempt and Hatred of the *English* Name and Nation; whereof these degenerate Families became more mortal Enemies than the meer *Irish*. And whereas the State and Government being grown weak by their Defection, did, to reduce them to Obedience, grant them many Protections and Pardons (*the Cheapness whereof, in all Ages, hath brought great Dishonour and Damage to this Commonweal*) they grew so ungrateful and unnatural, as in the end they scorned that Grace and Favour, because the Acceptance thereof did argue them to be Subjects; and they desired rather to be accounted Enemies than Rebels to the Crown of *England*.

Hereupon was that old Verse made, which I find written in the White Book of the Exchequer, in a Hand as ancient as the time of King *Edward the Third*.

*By granting Charters of Peas,
To false English withouten les,
This Land shall be mich undoo.
But Gossipred, and alterage,
And leesing of our Languge,
Have mickly holp theretoo.*

And therefore, in a Close Roll in the Tower, bearing this Title, *Articuli in Hibernia observandi*, we find these two Articles among others. 1. *Justiciarius Hiberniae non concedat perdonationes de morte hominis. nec de Roberiis. seu incendiis, & quod de cætero certificet dominum regem de nominibus petentium.* 2. *Item, Quod nec Justiciarius nec aliquis Magnas Hiberniae concedat protectiones alicui contra pacem Regis existenti, &c.* But now it is fit to look back, and consider when the old *English* Colonies became so degenerate; and in what Age they fell away into that *Irish* Barbarism, rejecting the *English* Laws and Customs. Assuredly, by comparing the ancient Annals of *Ireland* with the Records remaining here, and in the Tower of *London*, I do find that this general Defection fell out in the latter end of the Reign of King *Edward*

the Second, and in the beginning of the Reign of King *Edward* the Third. And all this great Innovation grew within the space of thirty Years: Within the Compass of which Time there fell out divers mischievous Accidents, whereby the whole Kingdom was in a manner lost. For first, *Edward le Bruce* invaded *Ireland* with the *Scottish* Army; and prevailed so far, as that he possessed the Maritime Parts of *Ulster*, marched up to the Walls of *Dublin*, spoiled the *English* Pale, passed through *Leinster* and *Munster*, as far as *Limerick*, and was Master of the Field in every part of the Kingdom.

This happened in the tenth Year of King *Edward* the Second, at which Time the Crown of *England* was weaker, and suffered more Dishonour in both Kingdoms than it did any time since the *Norman* Conquest. Then did the State of *England* send over *John de Hotham* to be Treasurer here, with Commission to call the great Lords of *Ireland* together; and to take of them an Oath of Association, that they should loyally joyn together in Life and Death to preserve the Right of the King of *England*, and to expel the common Enemy: But this Treasurer brought neither Men nor Money to perform this Service.

At that time, though *Richard Bourk* Earl of *Ulster* (commonly called the Red Earl) was of greater Power than any other Subject in *Ireland*, yet was he so far stricken in Years, as that he was unable to manage the the Martial Affairs, as he had done during all the Reign of King *Edward* the First; having been General of the *Irish* Forces, not only in this Kingdom, but in the Wars of *Scotland*, *Wales*, and *Gascoigne*: And therefore *Maurice Fitz-Thomas* of *Desmond*, being then the most active Nobleman in this Realm, took upon him the chief Command in this War; for the Support whereof the Revenue of this Land was far too short, and yet no Supply of Treasure was sent out of *England*.

Then was there no Means to maintain the Army, but by fessing the Soldiers upon the Subject, as the *Irish* were wont to impose their *Bonaught*: Whereupon grew that

that wicked Extortion of *Coigne* and *Livery* spoken of before, which in short time banished the greatest Part of the Free-holders out of the Counties of *Kerry*, *Limerick*, *Cork*, and *Waterford*; into whose Possessions *Desmond* and his Kinsmen, Allies, and Followers, which were then more *Irish* than *English*, did enter and appropriate these Lands unto themselves, *Desmond* himself taking what scopes he best liked for his Demeasnes in every County, and reserving an *Irish* Seigniory out of the rest. And here, that I may verifie and maintain by matter of Record, that which is before delivered touching the Nature of this wicked Extortion called *Coigne* and *Livery*; and the manifold Mischiefs it did produce, I think it fit and pertinent to insert the Preamble of the Statute of 10. of *Henry the Seventh*, c. 4. not printed, but recorded in Parliament Rolls of *Dublin*, in these Words: *At the Request and Supplication of the Commons of this Land of Ireland, that where of long time there have been used and exacted by the Lords and Gentlemen of this Land, many and divers damnable Customs and Usages, which have been called Coigne and Livery, and Pay; that is, Horse Meat and Man's Meat, for the finding of their Horse-men and Foot-men; and over that, 4 d. or 6 d. daily to every one of them to be had and paid of the poor Earth-tillers, and Tenants, Inhabitants of the said Land, without any thing doing or paying therefore. Besides, many Murders, Robberies, Rapes, and other manifold Extortions and Oppressions by the said Horse-men and Foot-men, daily and nightly committed and done; which have been the principal Causes of the Desolation and Destruction of the said Land, and have brought the same into Ruine, and Decay, so as the most part of the English Free-holders and Tenants of this Land been departed out thereof, some into the Realm of England, and other some to other strange Lands; whereupon the foresaid Lords and Gentlemen of this Land have Intruded into the said Free-holders and Tenants Inheritances; and the same keepeth and occupieth as their own Inheritances; and settent under them in the same Land the King's Irish Enemies, to the diminishing of Holy Churches.*

Rises.

Rites, the disherison of the King and his obedient Subjects, and the utter Ruine and Desolation of the Land. For Reformation whereof, be it enacted, That the King shall receive a Subsidy of 26 s. 8 d. out of every 120 Acres of arable Land manured, &c. But to return to Thomas Fitz-Maurice of *Desmond*; By this Extortion of *Coigne* and *Livery* he suddenly grew from a mean to a mighty Estate; insomuch as the Baron *Finglas* in his Discourse of the Decay of *Ireland*, affirmeth, that his ancient Inheritance being not one thousand Marks yearly, he became able to dispend every way, ten thousand Pounds per Annum.

These Possessions being thus unlawfully gotten, could not be maintained by the just and honourable Law of *England*, which would have restored the true Owners to their Land again; and therefore this great Man found no Means to continue and uphold his ill-purchased Greatness, but by rejecting the *English* Law and Government, and assuming in Lieu thereof the barbarous Customs of the *Irish*: And hereupon, followed the Defection of those four Shires, containing the greatest Part of *Munster*, from the Obedience of the Law.

In like manner (saith Baron *Finglas*) the Lord *Tipperary* (perceiving how well the House of *Desmond* had thrived by *Coigne* and *Livery*, and other *Irish* Exactions) began to hold the like Course in the Counties of *Tipperary* and *Kilkenny*; whereby he got great scopes of Land, especially in *Ormonde*; and raised many *Irish* Exactions upon the *English* Free-holders there; which made him so potent and absolute among them, as at that time they knew no other Law, than the Will of their Lord. Besides, finding that the Earl of *Desmond* excluded the ordinary Ministers of Justice, under Colour of a Royal Liberty, which he claimed in the Counties of *Kerry*, *Cork*, and *Waterford*, by a Grant of King *Edward* the First, (as appeareth in a *Quo warranto*, brought against him, *Anno 12. Edw. 1*) the Record whereof, remaineth in *Bremingham's Tower*, among the Common-Plea Rolls there.

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This Lord also, in the Third of *Edward the Third*; obtained a Grant of the like Liberty in the County of *Tipperary*, whereby he got the Law into his own Hands, and shut out the Common Law and Justice of the Realm.

And thus we see that all *Munster* fell away from the *English Law* and Government, in the end of King *Edward the Second*, his Reign ; and in the beginning of the Reign of King *Edward the Third*. Again, about the same time, (*viz.*) in the 20th Year of King *Edward the Second*, when the State of *England* was well nigh ruined by the Rebellion of the Barons, and the Government of *Ireland* utterly neglected, there arose in *Leinster*, one of the *Cavanaghes*, named *Donald Mac Art*, who named himself *Mac Murrogh*, King of *Leinster*, and possessed himself of the County of *Catherlogh*, and of the greatest Part of the County of *Wexford*. And shortly after *Lisagh O Moor*, called himself *O Moore*, took eight Castles in one Evening, destroyed *Duamase* the principal House of the Lord *Mortimer* in *Leix*, recovered that whole Country, *De servo Dominus, de subiecto princeps affectus*, saith Friar *Clynn* in his Annals.

Besides, the Earl of *Kildare*, imitating his Cousin of *Desmoud*, did not omit to make the like Use of Coigne and Livery in *Kildare*, and the West Part of *Mearth*, which brought the like Barbarism into those Parts. And thus a great Part of *Leinster* was lost, and fell away from the Obedience of the Crown, near about the time before expressed.

Again, in the seventh Year of King *Edward the Third*, the Lord *William Bourk*, Earl of *Ulster*, and Lord of *Conaught*, was treacherously murdered by his own Squires at *Knockfergus*, leaving behind him, *Unicam & unius anni filium* (saith Friar *Clynn*.) Immediately upon the Murder committed, the Countess with her young Daughter fled into *England* ; so as the Government of that Country, was wholly neglected, until that young Lady being married to *Lionel Duke of Clarence*, that Prince came over with an Army, to recover his Wife's Inheritance,

tance, and to reform this Kingdom, Anno 36. of *Edward the Third*. But in the mean time, what became of that great Inheritance both in *Ulster* and *Connaught*? Assuredly, in *Ulster*, the Sept of *Hugh Boy O Neal*, then possessing *Glaucoukeyn* and *Killeightra* in *Tyrone*, took the Opportunity; and passing over the *Banne*, did first expel the *English* out of the Barony of *Tuscard*, which is now called the *Rout*; and likewise, out of the *Glynnes* and other Lands up as far as *Knockfergus*, which Country, or Extent of Land, is at this day called the lower *Clan Hugh-Boy*. And shortly after that, they came up into the great *Ardes*; which the Latin Writers call, *Altitudines Ultoniae*, and was then the Inheritance of the *Savages*; by whom they were valiantly resisted for divers Years; but at last for want of Castles and Fortifications (for the saying of *Henry Savage* mentioned in every Story, is very memorable; That a Castle of *Bones* was better than a Castle of *Stones*) the *English* were over-run by the Multitude of the *Irishry*: So as about the Thirtieth of King *Edward the Third*; some few Years before the Arrival of the Duke of *Clarence*, the *Savages* were utterly driven out of the Great *Ardes*, into a little Nook of Land near the River of *Strangford*; where they now possess a little Territory, called the little *Ardes*; and their greater Patrimony took the Name of the upper *Clan Hugh-Boy*, from the Sept of *Hugh-Boy O Neal*, who became Invaders thereof.

For *Connaught*, some younger Branches of the Family of the *Bourkes*, being planted there by the *Red Earl* and his Ancestors, seeing their Chief to be cut off, and dead without Heir-male, and no Man left to govern or protect that Province, intruded presently into all the Earl's Lands, which ought to have been seized into the King's Hands, by reason of the Minority of the Heir. And within a short space, Two of the most potent among them, divided that great Seigniory betwixt them, the one taking the Name of *Mac William Oughtier*; and the other of *Mac William Eighter*; as if the Lord *William Bourke* the last Earl

of *Ulster*, had left two Sons of one Name behind him to inherit that Lordship in course of *Gavel-kind*. But they well knew, that they were but *Intruders* upon the King's Possession during the *Minority* of the *Heir*; they knew those Lands were the *rightful Inheritance* of that young *Lady*; and consequently, that the *Law of England* would speedily evict them out of their Possession; and therefore they held it the best Policy to cast off the *Yoak of English Law*, and to become *meer Irish*: and according to their Example, drew all the rest of the *English* in that Province, to do the like; so as from thenceforth they suffered their Possessions to run in course to *Tanistry* and *Gavel-kind*. They changed their Names, Language, and Apparel, and all their civil Manners and Customs of living. Lastly, about the 25th Year of King *Edward* the third, Sir *Richard de Clare* was slain in *Thomond*, and all the *English* Colonies there utterly supplanted.

Thus in that space of Time, which was between the tenth Year of King *Edward* the second, and the 30th Year of King *Edward* the Third, (I speak within compass) by the Concurrence of the Mischiefs before recited, all the old *English* Colonies in *Munster*, *Conaught*, and *Ulster*; and more than a third Part of *Leinster*, became degenerate, and fell away from the Crown of *England*; so that only the four Shires of the *English* *Pale*, remained under the Obedience of the *Law*; and yet the Borders and Marches thereof, were grown unruly, and out of Order too, being subject to *Black-Rents* and *Tribute* of the *Irish*; which was a greater Defection, than when ten of twelve Tribes departed, and fell away from the Kings of *Juda*.

But was not the State of *England* sensible of this Loss and Dishonour? Did they not endeavour to recover the Land that was lost, and to reduce the Subjects to their Obedience?

Truly King *Edward* the second, by the Incursions of the *Scottish* Nation, and by the Insurrection of his Barons, who raised his Wife and his Son against him, and in the end deposed him, was diverted and utterly disabled

bled to reform the Disorders of *Ireland*. But as soon as the Crown of *England* was transferred to King *Edward the Third*, though he was yet in his Minority, the State there began to look into the desperate estate of Things here. And finding such general Defection, Letters were sent from the King to the great Men and Prelates, requiring them particularly to swear Fealty to the Crown of *England*.

Shortly after, Sir *Anthony Lucy*, a Person of great Authority in *England* in those Days, was sent over to work a Reformation in this Kingdom, by a severe Course; and to that end, the King wrote expressly to the Earl of *Ulster*, and others of the Nobility to assist him, as is before remembred; presently upon his Arrival, he arrested *Maurice Fitz-Thomas Earl of Desmond*, and Sir *William Breminham*, and committed them Prisoners to the Castle of *Dublin*; where Sir *William Breminham* was executed for Treason, though the Earl of *Desmond* was left to Mainprize, upon condition he should appear before the King by a certain Day, and in the mean time to continue loyal.

After this, the King being advertised, that the over-large Grants of Lands and Liberties, made to the Lords of *English Blood* in *Ireland*, made them so insolent, as they scorned to obey the Law, and the Magistrate, did absolutely resume all such Grants, as is before declared. But the Earl of *Desmond*, above all Men, found himself grieved with this Resumption, or repeal of Liberties; and declared his dislike and discontentment: insomuch, as he did not only refuse to come to a Parliament at *Dublin*, summoned by Sir *William Morris*, Deputy to the Lord *John Darcy*, the King's Lieutenant: But (as we have said before) he raiseth such Dissentio[n] between the *English* of Blood, and the *English* of Birth, as the like was never seen, from the Time of the first planting of our Nation in *Ireland*. And in this factious and seditious Humour, he drew the Earl of *Kildare*, and the rest of the Nobility; with the Citizens and Burgesses of the principal Towns, to hold a several Parliament by themselves,

at *Kilkenny*; where they framed certain Articles against the Deputy, and transmitted the same into *England* to the King.

Hereupon, Sir *Ralph Ufford*, who had lately before married the Countess of *Ulster*; a Man of Courage and Severity, was made Lord Justice: who forthwith calling a Parliament, sent a special Commandment to the Earl of *Desmond*, to appear in that great Council; but the Earl wilfully refused to come. Whereupon, the Lord Justice raised the King's Standard, and marching with an Army into *Munster*, seized into the King's Hands all the Possessions of the Earl, took and executed his principal Followers, Sir *Eustace le Poer*, Sir *William Graunt*, and Sir *John Cotterell*; enforced the Earl himself to fly and lurk, till 26 Noblemen and Knights, became Mainpernors for his Appearance at a certain Day prefixed: But he making default the second Time, the uttermost Advantage was taken against his Sureties. Besides, at the same time, this Lord Justice caused the Earl of *Kildare* to be arrested, and committed to the Castle of *Dublin*, indicted and imprison'd many other disobedient Subjects, called in and cancelled such Charters as were lately before resumed; and proceeded every way so roundly and severely, as the Nobility which were wont to suffer no Controulment, did much distaste him; and the Commons, who in this Land have ever been more devoted to their immediate Lords here, whom they saw every Day, than unto their Sovereign Lord and King, whom they never saw, spake Ill of this Governor, as of a rigorous and cruel Man, though in truth he was a singular good Justicer; and, if he had not died in the second Year of his Government, was the likeliest of that Age to have reformed and reduced the degenerate *English Colonies*, to their natural Obedience of the Crown of *England*.

Thus much then we may observe by the Way, that *Maurice Fitz-Thomas*, the first Earl of *Desmond*, was the first *English* Lord that imposed *Coigne* and *Livery* upon the King's Subjects; and the first that raised his Estate

to

to immoderate Greatness, by that wicked Extortion and Oppression; that he was the first that rejected the English Laws and Government, and drew others by his Example to do the like; that he was the first Peer of Ireland that refused to come to the Parliament summoned by the King's Authority; that he was the first that made a Division and Distinction between the English of Blood, and the English of Birth.

And as this Earl was the only Author and first Actor of these Mischiefs, which gave the greatest Impediment to the full Conquest of Ireland; so it is to be noted, that albeit others of his Rank afterwards offended in the same kind; whereby their Houses were many times in danger of Ruin, yet was there not ever any noble House of English Race in Ireland, utterly destroyed, and finally rooted out by the Hand of Justice, but the House of *Desmond* only; nor any Peer of this Realm ever put to Death (though divers have been attainted:) but *Thomas Fitz-James* the Earl of *Desmond* only, and only for the wicked Customs brought in by the first Earl, and practis'd by his Posterity, though by several Laws they were made High-Treason. And therefore, though in the 7th of *Edward* the 4th, during the Government of the Lord *Tiptoft*, Earl of *Worcester*, both the Earls of *Desmond* and *Kildare* were attainted by Parliament at *Drogheda*, for Alliance and fostering with the *Irish*; and for taking *Coigne* and *Livery* of the King's Subjects, yet was *Desmond* only put to Death; for the Earl of *Kildare* received his Pardon. And albeit, the Son of this Earl of *Desmond*, who lost his Head at *Drogheda*, was restored to the Earldom, yet could not the King's Grace regenerate Obedience in that degenerate House, but it grew rather more wild and barbarous than before. For from thenceforth they claimed a strange Privilege, *That the Earls of Desmond should never come to any Parliament or grand Council, or within any walled Town, but at their Will and Pleasure.* Which pretended Privilege, *James Earl of Desmond*, the Father of *Girald* the last Earl, renounced and surrendered by his Deed, in the Chancery of Ireland, in the

the 32d of *Henry the Eighth*. At what time, among the meer *Irishry*, he submitted himself to Sir *Anthony Saint-Leger*, then Lord-Deputy; took an Oath of Allegiance, covenanted that he would suffer the Law of *England* to be executed in his Country; and assist the King's Judges in their Circuits: And if any Subsidies should be granted by Parliament, he would permit the same to be levied upon his Tenants and Followers. Which Covenants are as strange as the Privilege it self, spoken of before. But that which I conceive most worthy of Observation, upon the Fortunes of the House of *Desmond*, is this; that as *Maurice Fitz-Thomas*, the first Earl, did first raise the Greatness of that House by *Irish* Exactions and Oppressions; so *Girald* the last Earl, did at last ruin and reduce it to nothing, by using the like Extortions. For certain it is, that the first Occasion of his Rebellion, grew from hence, that when he attempted to charge the *Decies* in their County of *Waterford*, with *Coigne* and *Livery*, Black Rents and Cosheries, after the *Irish* Manner, he was resisted by the Earl of *Ormonde*, and upon an Encounter, overthrown and taken Prisoner; which made his Heart so unquiet, as it easily conceived Treason against the Crown, and brought forth actual and open Rebellion, wherein he perished himself, and made a final Extinguishment of his House and Honour. Oppression and Extortion did maintain the Greatness: And Oppression and Extortion did extinguish the Greatness of that House. Which may well be exprest, by the old Emblem of a Torch turned downwards, with this Word, *Quod me alit, extinguit.*

Now let us return to the Course of Reformation, held and pursued here, after the Death of Sir *Ralph Ufford*, which happened in the twentieth Year of King *Edward 3d*. After which time, albeit all the Power and Council of *England* was converted towards the Conquest of *France*, yet was not the Work of Reformation altogether discontinued. For, in the 25th Year of King *Edward the Third*, Sir *Thomas Rookeby*, another worthy Governor (whom I have once before named) held a Parliament at

at *Kilkenny*, wherein many excellent Laws were pronounced and enacted for the reducing of the *English Colonies* to their Obedience; which Laws we find enrolled in the Remembrancer's Office here; and differ not much in substance from those other Statutes of *Kilkenny*, which not long after (during the Government of *Lionel Duke of Clarence*) were not only enacted, but put in Execution. This noble Prince having married the Daughter and Heir of *Ulster*; and being likewise a Co-partner of the County of *Kilkenny*, in the 36th Year of King *Edward the Third*, came over the King's Lieutenant, attended with a good Retinue of Martial Men, as is before remembred, and a grave and honourable Council, as well for Peace, as for War. But because this Army was not of a competent Strength to break and subdue all the *Irishry*, although he quieted the Borders of the *English Pale*, and held all *Ireland* in Awe with his Name and Presence; the principal Service that he intended, was to reform the degenerate *English Colonies*, and to reduce them to Obedience of the *English Laws* and *Magistrates*. To that end, in the Fortieth Year of King *Edward the Third*, he held that famous Parliament at *Kilkenny*; wherein many notable Laws were enacted, which do shew and lay open (*For the Law doth best discover Enormities*.) how much the *English Colonies* were corrupted at that Time, and do infalliby prove that which is laid down before; That they were wholly degenerate, and fallen away from their Obedience. For first, it appeareth by the Preamble of these Laws, that the *English* of this Realm, before the coming over of *Lionel Duke of Clarence*, were at that time become meer *Irish* in their Language, Names, Apparel, and their manner of Living, and had rejected the *English Laws*, and submitted themselves to the *Irish*, with whom they had many Marriages and Alliances, which tended to the utter Ruin and Destruction of the Commonwealth. Therefore Alliance by Marriage, *Nurture of Infants*, and *Gossipred with the Irish*, are by this Statute made High-Treason. Again, if any Man of *English Race*, should use any *Irish Name*, *Irish Language*,

or

or *Irish* Apparel, or any other Guise or Fashion of the *Irish*; if he had Lands or Tenements, the same should be seized, till he had given Security to the Chancery, to conform himself in all Points to the *English* Manner of living. And if he had no Lands, his Body was to be taken and imprison'd, till he found Sureties, as aforesaid.

Again, it was established and commanded, that the *English* in all their Controversies, should be ruled and govern'd by the Common Laws of *England*: And if any did submit himself to the *Brehon* Law, or *March* Law, he should be adjudged a *Traytor*.

Again, because the *English* at that Time, made War and Peace with the bordering Enemy at their Pleasure; they were expressly prohibited to levy War upon the *Irish*, without special Warrant and Direction from the State.

Again, it was made penal to the *English* to permit the *Irish* to creight or graze upon their Lands: To present them to Ecclesiastical Benefices; to receive them into any Monasteries, or Religious Houses, or to entertain any of their Minstrels, or Rimers, or News-tellers: To impose or sess any Horse or Foot upon the *English* Subjects against their Wills, was made Felony. And because the great Liberties of Franchises spoken of before, were become Sanctuaries for all Malefactors, express Power was given to the King's Sheriffs, to enter into all Franchises, and there to apprehend all Felons and *Traytors*. And lastly, because the great Lords, when they levied Forces for the publick Service, did lay unequal Burthens upon the Gentlemen and Freeholders, it was ordained that four Wardens of the Peace in every County, should set down and appoint what Men and Armour every Man should bear, according to his Freehold, or other Ability of Estate.

These, and other Laws, tending to a general Reformation, were enacted in that Parliament. And the Execution of these Laws, together with the Presence of the King's Son, made a notable Alteration in the State and Manners of

of this People, within the space of seven Years, which was the Term of this Prince's Lieutenantcy.

For all the *Discourses* that I have seen of the Decay of *Ireland*, do agree in this, that the Presence of the Lord Lionel, and these Statutes of *Kilkenny*, did restore the *English Government*, in the degenerate Colonies, for divers Years. And the Statute of the-tenth of *Henry the seventh*, which reviveth and confirmeth the Statutes of *Kilkenny*, doth confirm as much. For it declareth, that *as long as these Laws were put in Ure and Execution, this Land continued in Prosperity and Honour: And since they were not executed, the Subjects rebelled and digressed from their Allegiance, and the Land fell to Ruin and Desolation.* And withal, we find the Effect of these Laws in the Pipe-Rolls, and Plea-Rolls of this Kingdom: For, from the 36th of *Edw. 3.* when this Prince entred into his Government, till the beginning of *Richard the Second* his Reign, we find the Revenue of the Crown both certain and casual, in *Ulster, Munster, and Connaught*, accounted for; and that the King's Writ did run and the Common Law was executed in every of those Provinces. I joyn with these Laws the personal Presence of the King's Son, as a concurrent Cause of this Reformation: Because the People of this Land, both English and Irish, out of unnatural Pride, did ever love and desire to be governed by great Persons. And therefore, I may here justly take occasion to note, that first the Absence of the Kings of *England*; and next, the Absence of those great Lords, who were Inheritors of those mighty Seigniories of *Leinster, Ulster, Connaught, and Meath*, have been main Causes why this Kingdom was not reduced in so many Ages.

Touching the Absence of our Kings, three of them only since the *Norman Conquest*, have made Royal Journeys into this Land; namely, King *Henry the second*, King *John*, and King *Richard the second*. And yet they no sooner arrived here, but that all the *Irishry* (as if they had been but one Man) submitted themselves; took Oaths of Fidelity, and gave Pledges and Hostages

which ~~no~~ continue loyal. And if any of those Kings had continued here in Person a competent time, till they had settled both *English* and *Irish* in their several Possessions, and had set the Law in a due Course throughout the Kingdom ; these times wherein we live had not gained the Honour of the final Conquest and reducing of *Ireland*. For the King (saith *Salomon*) *dissipat omne malum intuitu suo*. But when *Moses* was absent in the Mount, the People committed Idolatry ; and when there was no King in *Israel*, every Man did what seemed best in his own Eyes.

And therefore, when *Alexander* had conquer'd the East part of the World, and demanded of one what was the fittest Place for the Seat of his Empire, he brought and laid a dry Hide before him, and desired him to set his Foot on the one side thereof ; which being done, all the other parts of the Hide did rise up ; but when he did set his Foot in the middle of the Hide, all the other parts lay flat and even : Which was a lively Demonstration, that if a Prince keep his Residence in the Borders of his Dominions, the remote Parts will easily rise and rebel against him : But if he make the Centre thereof his Seat, he shall easily keep them in Peace and Obedience.

Touching the Absence of the great Lords : All Writers do impute the Decay and Loss of *Leinster* to the Absence of these *English Lords*, who married the Five Daughters of *William Marshal Earl of Pembroke*, (to whom that great Seigniory descended) when his Five Sons who inherited the same successively, and during their Time, held the same in Peace and Obedience to the Law of *England*, were all dead without Issue : Which happen'd about the Fortieth Year of King *Henry the Third* : For the eldest being married to *Hug^b Bigot, Earl of Norfolk*, who in right of his Wife, had the Marshalship of *England* ; the second, to *Wayren de Mountchensey*, whose sole Daughter and Heir was match'd to *William de Valentia*, half Brother to King *Henry the Third*, who by that Match was made Earl of *Pembroke* ; The third, to *Gilbert de Clare, Earl of Gloucester* ; the fourth to *William Ferrers Earl of Darby* ;

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Darby; the fifth to *William de Bruce*, Lord of *Brecknock*. These great Lords, having greater Inheritances in their own Right in *England*, than they had in *Ireland* in right of their Wives (and yet each of the Coparceners, had an entire County allotted for her Purparty, as is before declared) could not be drawn to make their personal Residence in this Kingdom; but managed their Estates here, by their *Seneschals* and *Servants*. And to defend their Territories against the bordering *Irish*, they entertained some of the Natives, who pretended a perpetual Title to those great Lordships. For the *Irish*, after a thousand Conquests and Attainders by our Law, would in those Days pretend Title still, because by the *Irish Law* no Man could forfeit his Land. These Natives taking the Opportunity in weak and desperate Times, usurped those Seigniories; and so *Donald mac Art Cavanagh*, being entertained by the Earl of *Norfolk*, made himself Lord of the County of *Catherlough*: And *Lisagh O Moor* being trusted by the Lord *Mortimer*, who married the Daughter and Heir of the Lord *Bruce*, made himself Lord of the Lands in *Leix*, in the latter end of King *Edward* the second's Reign, as is before declared.

Again, the Decay and Loss of *Ulster* and *Connaught*, is attributed to this; that the Lord *William Bourk*, the last Earl of that Name, died without Issue-Male; whose Ancestors, namely, the *Red Earl*, and *Sir Hugh de Lacy*, before him, being personally resident, held up their Greatness there, and kept the *English* in Peace, and the *Irish* in Awe: But when those Provinces descended upon an *Heir Female*, and an *Infant*, the *Irish* over-run *Ulster*, and the younger Branches of the *Bourkes* usurped *Connaught*. And therefore the Ordinance made in *England*, the 3d of *Richard* the Second, against such as were absent from their Lands in *Ireland*, and gave two third Parts of the Profits unto the King, until they returned, or placed a sufficient Number of Men to defend the same, was grounded upon good Reason of State: Which Ordinance was put in Execution for many Years after, as appeareth by sundry Seizures made thereupon, in the time of King *Richard*

Richard the second, Henry the fourth, Henry the fifth, and Henry the sixth, whereof there remain Records in the Remembrancer's Office here. Among the rest, the Duke of Norfolk himself was not spared, but was impleaded upon this Ordinance, for two Parts of the Profits of *Dorburies* Island, and other Lands in the County of *Wexford*, in the time of King Henry the sixth. And afterwards, upon the same reason of State, all the Lands of the House of Norfolk, of the Earl of *Shrewsbury*, the Lord *Barkley*, and others (who having Lands in *Ireland*, kept their continual Residence in *England*) were entirely resumed by the Act of Absentees, made in the 28th Year of King Henry the Eighth.

But now again, let us look back and see, how long the Effect of that Reformation did continue, which was begun by *Lionel Duke of Clarence*, in the Fortieth Year of King Edward the Third, and what Courses have been held, to reduce and reform this People, by other Lieutenants and Governors since that time.

The *English* Colonies being in some good Measure reformed by the Statutes of *Kilkenny*, did not utterly fall away into Barbarism again, till the Wars of the Two Houses had almost destroyed both these Kingdoms; for in that miserable Time, the *Irish* found Opportunity, without Opposition, to banish the *English Law* and *Government* out of all the Provinces, and to confine it only to the *English Pale*: Howbeit, in the mean time, between the Government of the Duke of Clarence, and the beginning of those Civil Wars of *York* and *Lancaster*, we find that the State of *England* did sundry times resolve to proceed in this Work of Reformation.

For first, King Richard 2d. sent over Sir *Nicholas Dagworth* to survey the Possessions of the Crown, and to call to account the Officers of the Revenue: Next (to draw his *English* Subjects to manure and defend their Lands in *Ireland*) he made that Ordinance against Absentees, spoken of before: Again, he shewed an excellent Example of Justice upon Sir *Philip Courtney*, being his Lieutenant of that Kingdom, when he caused him to be

arrested by special Commissioners, upon Complaint made of sundry grievous Oppressions and Wrongs, which, during his Government, he had done unto that People.

After this, the Parliament of *England* did resolve that *Thomas Duke of Gloucester*, the King's Uncle, should be employ'd in the Reformation and reducing of that Kingdom; the Fame whereof was no sooner bruited in *Ireland*, but all the *Irishry* were ready to submit themselves before his coming: so much the very Name of a great Personage, especially of a Prince of the Blood, did ever prevail with this People. But the King and his Minions, who were ever jealous of this Duke of *Gloucester*, would not suffer him to have the Honour of that Service; but the King himself thought it a Work worthy of his own Presence and Pains; and thereupon he made those two Royal Journies mentioned before; at which time he received the Submissions of all the *Irish* Lords and Captains, who bound themselves both by Indenture and Oath to become and continue his loyal Subjects. And withal, laid a particular Project for a civil Plantation of the Mountains and maritime Counties, between *Dublin* and *Wexford*, by removing all the *Irish* Septs from thence, as appeareth by the Covenants between the Earl Marshal of *England* and those Septs, which are before remembred, and are yet preserved, and remain of Record in the King's Remembrancer's Office at *Westminster*. Lastly, this King being present in *Ireland*, took special Care to supply and furnish the Courts of Justice with able and sufficient Judges; and, to that end, he made that grave and learned Judge, *Sir William Hankeford*, Chief Justice of the King's Bench here (who afterwards for his Service in this Realm was made Chief Justice of the King's Bench in *England*, by King *Henry 4.*) and did withal associate unto him *William Sturmy*, a well-learned Man in the Law, who likewise came out of *England* with the King, that the legal Proceedings, which were out of Order too (as all other Things in this Realm were) might be amended, and made formal, according to the Course and Precedents of *England*. But all the good Purposes and Projects of this

King

King were interrupted and utterly defeated by his sudden Departure out of *Ireland*, and unhappy Deposition from the Crown of *England*.

Howbeit, King *Henry* the Fourth intending likewise to prosecute this noble Work, in the 3d Year of his Reign made the Lord *Thomas* of *Lancaster*, his second Son, Lieutenant of *Ireland*: Who came over in Person and accepted again the Submissions of divers Lords and Captains, as is before remembred; and held also a Parliament, wherein he gave new Life to the Statutes of *Kilkenny*, and made other good Laws tending to the Reformation of the Kingdom. But the Troubles raised against the King, his Father, in *England*, drew him home again so soon, as that seed of Reformation took no Root at all, neither had his Service in that kind any good Effect or Success.

After this, the State of *England* had no leisure to think of a general Reformation in this Realm, till the civil Dissentions in *England* were appeased, and the Peace of that Kingdom settled by King *Henry* the seventh.

For albeit, in the time of King *Henry* the 6th, *Richard* Duke of *York*, a Prince of the Blood, of great Wisdom and Valour, and Heir to a third part of the Kingdom at least, being Earl of *Ulster* and Lord of *Con-* and *Meath*, was sent the King's Lieutenant into *Ireland*, to recover and reform that Realm; where he was resident in Person for the greatest part of Ten Years, yet the Truth is, he aimed at another Mark, which was the Crown of *England*; and therefore he thought it no Policy to distaste either the *English* or *Irish* by a Course of Reformation, but sought by all Means to please them, and by popular Courses to steal away their Hearts, to the end he might strengthen his Party when he should set on Foot his Title, as is before declared: (which Policy of his took such effect as that he drew over with him into *England* the Flower of all the *English* Colonies, especially of *Ulster* and *Meath*, whereof many Noblemen and Gentlemen were slain with him at *Wakefield*, (as is likewise before remembred.) And after his Death, when

the Wars between the two Houses were in their Heat, almost all the good *English* Blood, which was left in *Ireland*, was spent in those civil Dissentions; so as the *Irish* became victorious over all, *without Blood or Sweat*: Only that little Canton of Land call'd the *English* Pale, containing Four small Shires, did maintain a bordering War with the *Irish*, and retain the Form of *English* Government.

But out of that little Precinct there were no Knights, Lords, or Burgeses summoned to the Parliament; neither did the King's Writ run in any other part of the Kingdom; and yet upon the Marches and Borders, which at that time were grown so large, as they took up half *Dublin*, half *Meath*, and a third part of *Kildare* and *Lowth*; there was no Law in use but the *March-Law*, which in the Statutes of *Kilkenny* is said to be no Law, but a lewd Custom.

So as upon the end of these civil Wars in *England*, the *English* Law and Government was well nigh banish'd out of *Ireland*, so as no Foot-step or Print was left of any former Reformation.

Then did King *Henry 7th*, send over Sir *Edward Poynings* to be his Deputy, a right worthy Servitor, both in War and Peace: The principal end of his Employment was to expel *Perkin Warbeck* out of this Kingdom; but that Service being performed, that worthy Deputy finding nothing but a common Misery, took the best Course he possibly could to establish a Commonwealth in *Ireland*: and to that end he held a Parliament, no less famous than that of *Kilkenny*, and more available for the Reformation of the whole Kingdom. For whereas all wise Men did ever concur in Opinion, that the readiest Way to reform *Ireland*, is to settle a Form of civil Government there, conformable to that of *England*: To bring this to pass, Sir *Edward Poynings* did pass an Act whereby all the Statutes made in *England* before that Time, were enacted, established, and made of Force in *Ireland*. Neither did he only respect the time past, but provided also for the time to come; for he caused another Law

Law to be made, that no *Act* should be propounded in any Parliament of *Ireland*, but such as should be first transmitted into *England*, and approved by the King and Council there, as good and expedient for that Land, and so returned back again under the Great-Seal of *England*. This *Act*, though it seem, *Prima facie*, to restrain the Liberties of the Subjects of *Ireland*, yet was it made at the Prayer of the Commons, upon just and important Cause.

For the Governors of that Realm, especially such as were of that Country Birth, had laid many Oppressions upon the Commons; and among the rest, they had imposed Laws upon them, not tending to the general Good, but to serve private Turns, and to strengthen their particular Factions. This moved them to refer all Laws that were to be passed in *Ireland*, to be consider'd, corrected, and allowed, first by the State of *England*, which had always been tender and careful of the Good of this People, and had long since made them a civil, rich, and happy Nation, if their own Lords and Governors there had not sent bad Intelligence into *England*. Besides this, he took especial Order, that the Summons of Parliament should go into all the Shires of *Ireland*, and not to the Four Shires only; and for that Cause especially, he caused all the *Acts* of Parliament lately before holden by the Viscount of *Gormanstown*, to be repealed and made void. Moreover, that the Parliaments of *Ireland* might want no decent or honourable Form that was used in *England*, he caused a particular *Act* to pass, that the Lords of *Ireland* should appear in the like Parliament Robes as the English Lords are wont to wear in the Parliaments of *England*. Having thus establish'd all the Statutes of *England* in *Ireland*, and set in order the great Council of that Realm, he did not omit to pass other Laws, as well for the encrease of the King's Revenue, as the Preservation of the publick Peace.

To advance the Profits of the Crown, first he obtain'd a Subsidy of 26 Shillings and 8 Pence out of every 120 Acres manured, payable yearly for five Years: Next, he

resumed all the Crown-Land which had been alienated (for the most part) by *Richard Duke of York* : and lastly, he procured a Subsidy of Poundage out of all Merchandizes imported and exported, to be granted to the Crown in Perpetuity.

To preserve the publick Peace, he revived the Statutes of *Kilkenny* : He made wilful Murder High-Treason ; he caused the Marchers to book their Men, for whom they should answer ; and restrained the making War or Peace without special Commission from the State.

These Laws, and others as important as these, for the making of a Commonwealth in *Ireland*, were made in the Government of Sir *Edward Poynings*. But these Laws did not spread their Virtue beyond the *English* Pale, though they were made generally for the whole Kingdom ; for the Provinces without the Pale, which during the War of *York* and *Lancaster*, had wholly cast off the *English* Government, were not apt to receive this Seed of Reformation, because they were not first broken and master'd again with the Sword. Besides, the *Irish* Countries, which contained two third parts of the Kingdom, were not reduced to Shire-ground ; so as in them the Laws of *England* could not possibly be put in Execution : Therefore these good Laws and Provisions made by Sir *Edward Poynings*, were like good Lessons set for a Lute that is broken and out of Tune, of which Lessons little use can be made till the Lute be made fit to be play'd upon.

And that the Execution of all these Laws had no greater Latitude than the Pale, is manifest by the Statute of the thirteenth of *Henry the Eighth*, cap. 3. which reciteth, that at that time the King's Laws were obeyed and executed in the Four Shires only ; and yet then was the Earl of *Surrey Lieutenant of Ireland*, a Governour much feared of the King's Enemies, and exceedingly honour'd and beloved of the King's Subjects. And the Instructions given by the State of *Ireland* to *John Allen*, Master of the Rolls, employed into *England* near about the same time, do declare as much ; wherein, among other

ther Things, he is required to advertise the King, that his Land of *Ireland* was so much decayed as that the King's Laws were not obeyed twenty Miles in compass: Whereupon grew that By-word used by the *Irish*, viz. *That they dwelt by-west the Law, which dwelt beyond the River of the Barrow*, which is within thirty Miles of *Dublin*. The same is testify'd by Baron *Finglas* in his Discourse of the Decay of *Ireland*, which he wrote about the twentieth Year of King *Henry the Eighth*. And thus we see the Effect of the Reformation which was intended by *Sir Edward Poynings*.

The next Attempt of Reformation was made in the 28th Year of King *Henry the Eighth*, by the Lord *Leonard Gray*, who was created Viscount of *Crane* in this Kingdom, and held a Parliament, wherein many excellent Laws were made: But to prepare the Minds of the People to obey these Laws, he began first with a martial Course: for being sent over to suppress the Rebellion of the *Giraldines* (which he performed in a few Months) he afterwards made a victorious Circuit round about the Kingdom, beginning in *Offaly* against *O Connor*, who had aided the *Giraldines* in their Rebellion; and from thence passing along through all the *Irish* Countries in *Leinster*, and so into *Munster*, where he took Pledges of the degenerate Earl of *Desmond*, and thence into *Connaught*, and thence into *Ulster*; and then concluded this warlike Progress with the Battle of *Belahoo*, in the Borders of *Meath*, as is before remembred.

The principal Septs of the *Irishry* being all terrified, and most of them broken in this Journey, many of their chief Lords upon this Deputy's Return, came to *Dublin*, and made their Submissions to the Crown of *England*; namely, the *O Neals* and *O Relies* of *Ulster*, *Mac Murrogh*, *O Birn*, and *O Carol* of *Leinster*, and the *Bourks* of *Connaught*.

This Preparation being made, he first propounded and passed in Parliament these Laws, which made the great Alteration in the *State Ecclesiastical*; namely, the *Act*

which declared King *Henry 8th* to be supreme Head of the Church of *Ireland*; the Act prohibiting Appeals to the Church of *Rome*; the Act for First Fruits and twentieth part to be paid to the King; the Act for Faculties and Dispensations; and lastly, the Act that did utterly abolish the usurped Authority of the Pope. Next, for the Encrease of the King's Revenue; by one Act he suppressed sundry Abbies and Religious Houses; and by another Act resumed the Lands of the Absentees, (as is before remembred.)

And for the Civil Government, a special Statute was made, to abolish the Black-Rents and Tributes, exacted by the *Irish*, upon the *English Colonies*; and another Law enacted, That the *English Apparel, Language*, and manner of *Living*, should be used by all such as would acknowledge themselves the King's Subjects. This Parliament being ended, the Lord *Leonard Gray* was suddenly revok'd, and put to Death in *England*, so as he lived not to finish the Work of Reformation, which he had begun; which notwithstanding was well pursued by his Successor Sir *Anthony Saint Leger*; unto whom all the Lords and Chieftains of the *Irishry*, and of the degenerate *English* throughout the Kingdom, made their several Submissions by Indenture (which was the Fourth general Submission of the *Irish*, made since the first Attempt of the Conquest of *Ireland*) whereof the First was made to King *Henry the second*; the Second to King *John*; the Third to King *Richard the second*; and the last to Sir *Anthony Saint Leger*, in 33 H. 8.

In these Indentures of Submission, all the *Irish* Lords do acknowledge King *Henry the Eighth* to be their Sovereign Lord and King, and desire to be accepted of him as Subjects. They confess the King's Supremacy in all Causes, and do utterly renounce the Pope's Jurisdiction, which I conceive to be worth the Noting; because, *when the Irish had once resolved to obey the King, they made no Scruple to renounce the Pope*. And this was not only done by the meer *Irish*, but the Chief of the degenerate *English Families* did perform the same; as *Desmond, Barry*,

ry, and Roche, in Munster; and the Bourks, which bore the Title of *Mac William*, in Connaught.

These Submissions being thus taken, the Lord Deputy and Council, for the present Government of those *Irish Countries*, made certain Ordinances of State, not agreeable altogether with the Rules of the Law of *England*; the reason whereof is express'd in the Preamble of those Ordinances; *Quia nondum sic sapiunt leges & Jura, ut secundum ea jam immediate vivere & regi possint.* The chief Points or Articles of which Orders registered in the Council-book, are these: That King *Henry* the Eighth should be accepted, reputed, and named King of *Ireland*, by all the Inhabitants of the Kingdom; that all the Arch-bishops and Bishops should be permitted to exercise their Jurisdiction in every Diocese throughout the Land: That Tythes should be duly set out, and paid; that Children should not be admitted to Benefices; that for every Manslaughter, and Theft above Fourteen Pence, committed in the *Irish Countries*, the Offender should pay a Fine of Forty Pound, Twenty Pound to the King, and Twenty Pound to the Captain of the Country; and for every Theft under Fourteen Pence, a Fine of five Marks should be paid, Forty-six Shillings and Eight Pence to the Captain, and Twenty Shillings to the *Tanister*: That *Horsemen* and *Kearn* should not be imposed upon the common People to be fed and maintained by them; that the Master should answer for his Servants, and the Father for his Children: That *Cuttings* should not be made by the Lord upon his Tenants, to maintain War with his Neighbours, but only to bear his necessary Expenses, &c.

These Ordinances of State being made and published, there were nominated and appointed in every Province, certain Orderers or Arbitrators, who instead of these *Irish Brehons*, should hear and determine all their Controversies. In *Connaught*, the Arch-bishop of *Tuam*, the Bishop of *Clonfert*, Captain *Wakely*, and Captain *Ovington*. In *Munster*, the Bishop of *Waterford*, the Bishop of *Cork* and

and Ross, the Mayor of Cork, and Mayor of Youghal. In Ulster, the Archbishop of Ardmagh, and the Lord of Lowth. And if any Difference did arise which they could not end, either for the Difficulty of the Cause, or for the Obstinacy of the Parties, they were to certifie the Lord Deputy and Council, who would decide the matter by their Authority.

Hereupon the *Irish Captains* of lesser Territories, which had ever been oppressed by the greater and mightier; some with Risings out, others with Bonaght, and others with Cuttings, and spendings at Pleasure, did appeal for Justice to the Lord Deputy; who upon hearing their Complaints, did always order, that they should all immediately depend upon the King; and that the weaker should have no Dependency upon the stronger.

Lastly, he prevailed so much with the greatest of them; namely, O Neale, O Brien, and Mac William, as that they willingly did pass into *England*, and presented themselves to the King, who thereupon was pleased to advance them to the Degree and Honour of Earls, and to grant unto them their several Countries, by *Letters-Patents*. Besides, that they might learn Obedience and Civility of Manners, by often repairing unto the State; the King, upon the Motion of the same Deputy, gave each of them a House and Lands near *Dublin*, for the Entertainment of their several Trains.

This Course did this Governor take to reform the *Irish* ry; but withal, he did not omit to advance both the Honour and Profit of the King. For in the Parliament which he held the 33d of *Henry the Eighth*, he caused an Act to pass, which gave unto King *Henry the Eighth*, his Heirs and Successors, the Name, Stile, and Title of King of *Ireland*; whereas before that time, the Kings of *England* were stiled but *Lords of Ireland*: Albeit indeed, they were absolute Monarchs thereof, and had in right all Royal and Imperial Jurisdiction and Power there, as they had in the Realm of *England*. And yet because in the vulgar Conceit, the Name of King is higher than the Name of Lord; Assuredly, the assuming of this Title

tle hath not a little raised the Sovereignty of the King of *England* in the Minds of this People: Lastly, this Deputy brought a great Augmentation to the King's Revenue, by dissolving of all the Monasteries and Religious Houses in *Ireland*, which was done in the same Parliament; and afterward, by procuring *Min* and *Cavendish*, two skilful Auditors, to be sent over out of *England*, who took an exact Survey of all the Possessions of the Crown, and brought many Things into charge, which had been concealed and substracted for many Years before. And thus far did *Sir Anthony Saint Leger* proceed in the course of Reformation; which though it were a good beginning, yet was it far from reducing *Ireland* to the perfect Obedience of the Crown of *England*. For all this while, the Provinces of *Connaught* and *Ulster*, and a good part of *Leinster*, were not reduced to Shire-ground. And though *Munster* was anciently divided into Counties, the People were so degenerate, as no Justice of Assize durst execute his Commission amongst them. None of the *Irish* Lords or Tenants were settled in their Possessions, by any Grant or Confirmation from the Crown, except the three great Earls before named; who notwithstanding, did govern their Tenants and Followers, by the *Irish* or *Breton* Law; so as no Treason, Murder, Rape, or Theft, committed in those Countries, was enquired of, or punish'd by the Law of *England*; and consequently, no Escheat, Forfeiture, or Fine; no Revenue (certain or casual) did accrue to the Crown out of those Provinces.

The next worthy Governor that endeavoured to advance this Reformation, was *Thomas Earl of Sussex*; who having thoroughly broken and subdued the two most rebellious and powerful *Irish* Septs in *Leinster*; namely, the *Moores* and *O Connors*, possessing the Territories of *Leix* and *Offaly*, did by Act of Parliament, in the 3d and 4th of *Phil.* and *Maria*, reduce those Countries into two several Counties; namely, the one, the King's, and the other, the Queen's County; which were the first two Counties that had been made in this Kingdom since

the

the twelfth Year of King *John*; at which Time the Territories then possessed by the *English Colonies* were Reduced into Twelve Shires, as is before expressed.

This noble Earl having thus extended the Jurisdiction of the *English Law* into two Counties more, was not satisfied with that Addition, but took a Resolution to divide all the rest of the *Irish Countries* un-reduc'd, into several Shires; and to that end he caused an Act to pass in the same Parliament, authorizing the Lord Chancellor, from time to time, to award Commissions to such Persons as the Lord Deputy should nominate and appoint, to view and perambulate those *Irish Territories*; and thereupon, to divide and limit the same into such and so many several Countries as they should think meet; which being certified to the Lord Deputy, and approved by him, should be returned and enrolled in the Chancery, and from thenceforth be of like Force and Effect, as if it were done by Act of Parliament.

Thus did the Earl of *Suffex* lay open a Passage for the Civil Government into the unreform'd Parts of this Kingdom, but himself proceeded no further than is before declared.

Howbeit afterwards, during the Reign of Queen *Elizabeth*, Sir *Henry Sidney* (who hath left behind him many Monuments of a good Governor in this Land) did not only pursue that Course which the Earl of *Suffex* began, in reducing the *Irish Countries* into Shires, and placing therein Sheriffs and other Ministers of the Law; (for first he made the *Annaly*, a Territory in *Leinster*, possessed by the Sept of *Offerralles*, one entire Shire by itself, and call'd it the County of *Longford*;) and after that he divided the whole Province of *Conaught* into six Countries more; namely, *Clare*, (which containeth all *Thomond*, *Galloway*, *Sligo*, *Mayo*, *Roscommon*, and *Leitrim*:) But he also had caused divers good Laws to be made, and performed sundry other Services; tending greatly to the Reformation of this Kingdom. For first, to diminish the Greatness of the *Irish Lords*, and to take from them the Dependency of the common People, in the Parliament which

which he held in *Eliz.* He did abolish their pretended and usurped Captainships, and all Exactions and Extortions incident thereunto. Next, to settle their Seigniories and Possessions in a Course of Inheritance, according to the course of the common Law, he caused an Act to pass, whereby the Lord Deputy was authorized to accept their Surrenders, and to re-grant Estates unto them, to hold of the Crown by *English* Tenures and Services. Again, because the inferior sort were loose and poor, and not amesneable to the Law; he provided by another Act, that the best and eldest Persons of every Sept, should bring in all the idle Persons of their Surname, to be justified by the Law. Moreover, to give a civil Education to the Youth of this Land in the time to come, Provision was made by another Law, that there should be one Free-School, at least, erected in every Diocess of the Kingdom. And lastly, to inure and acquaint the People of *Munster* and *Connaught*, with the *English* Government again (which had not been in use among them for the space of 200 Years before;) he instituted two Presidency Courts in those two Provinces, placing Sir *Edward Fitton* in *Connaught*, and Sir *John Perrot* in *Munster*.

To augment the King's Revenue in the same Parliament, upon the Attainder of *Shane O Neale*, he resumed and vested in the Crown more than half the Province of *Ulster*: He raised the Customs upon the principal Commodities of the Kingdom: He reformed the Abuses of the Exchequer, by many good Orders and Instructions sent out of *England*; and lastly, he establish'd the Composition of the *Pale*, in lieu of Purveyance and Sefs of Soldiers.

These were good Proceedings in the Work of Reformation, but there were many Defects and Omissions withal: for though he reduc'd all *Connaught* into Counties, he never sent any Justices of Assize to visit that Province, but plac'd Commissioners there, who govern'd it only in a Course of Discretion; part Martial and part Civil. Again in the Law that doth abolish the *Irish* Captainships, he gave

gave way for the reviving thereof again, by excepting such, as should be granted by Letters Patents from the Crown; which Exception did indeed take away the Force of that Law. For no Governor during Queen *Elizabeth's* Reign, did refuse to grant any of those Captain-ships to any pretended *Irish* Lord, who would *Desire*, and with his Thankfulness *Deserve* the same. And again, though the greatest part of *Ulster* were vested by Act of Parliament in the actual and real Possession of the Crown; yet was there never any Seizure made thereof, nor any part thereof brought into Charge, but the *Irish* were permitted to take all the Profits, without rendering any Duty or Acknowledgment for the same; and though the Name of *O Neale* was damned by that Act, and the assuming thereof made High-Treason; yet after that, was *Tirlegh Leynnogh* suffered to bear that Title, and to intrude upon the Possessions of the Crown, and was yet often entertained by the State with Favour. Neither were these Lands resumed by the Act of the 11th of *Elizabeth*, neglected only (for the Abbies and Religious Housles in *Tyrone*, *Tirconnell*, and *Fermanagh*, though they were dissolved in the 33d of *Henry the Eighth*, were never surveyed nor reduced into Charge, but were continually possest by the religious Persons) until His Majesty that now is, came to the Crown: and that which is more strange, the Donations of Bishopricks, being a Flower of the Crown (which the Kings of *England* did ever retain in all their Dominions, when the Popes usurped Authority was at the highest.) There were three Bishopricks in *Ulster*; namely, *Derry*, *Rapho*, and *Clogher*, which neither Queen *Elizabeth*, nor any of her Progenitors did ever bestow, though they were the undoubted Patrons thereof. So as King *James* was the first King of *England* that did ever supply those Sees with Bishops, which is an Argument either of great Negligence, or of great Weaknes in the State and Governors of those Times. And thus far proceeded Sir *Henry Sidney*.

After him, Sir *John Perrot*, who held the last Parliament in this Kingdom, did advance the Reformation in

three

three principal Points. First, in establishing the great Composition of *Connaught*, in which Service the Wisdom and Industry of Sir Richard *Bingham* did concur with him : Next, in reducing the un-reform'd parts of *Ulster*, into seven Shires; namely, *Ardmagh*, *Monaghan*, *Tyrone*, *Colerain*, *Donagall*, *Fermanagh*, and *Cavan*; though in his time the Law was never executed in these new Counties by any Sheriffs or Justices of *Affize*, but the People left to be ruled still by their own barbarous *Lords* and *Laws*: And lastly, by vesting in the Crown the Lands of *Desmond* and his Adherents in *Munster*, and planting the same with *English*, though that Plantation was imperfect in many Points.

After Sir *John Perrot*, Sir *William Fitz-Williams* did good Service in two other Points. First, in raising a Composition in *Munster*; and then, in settling the Possessions both of the *Lords* and *Tenants* in *Monaghan*, which was one of the last Acts of State, tending to the Reformation of the civil Government that was performed in the Reign of Queen *Elizabeth*.

Thus we see by what Degrees, and what Policy and Success the Governors of this Land from time to time, since the beginning of the Reign of King *Edward* the third, have endeavoured to reform and reduce this People to the perfect Obedience of the Crown of *England*; And we find, that before the Civil Wars of *York* and *Lancaster*, they did chiefly endeavour to bring back the degenerate *English* Colonies to their Duty and Allegiance, not respecting the meer *Irish*, whom they reputed as Aliens or Enemies of the Crown. But after King *Henry* the 7th had united the *Roses*, they laboured to reduce both *English* and *Irish* together: which Work, to what Pass and Perfection it was brought in the latter end of Queen *Elizabeth*'s Reign, hath been before declared.

Whereof sometimes when I do consider, I do in mine own Conceit compare these later Governors, who went about to reform the Civil Affairs in *Ireland*, unto some of the Kings of *Israel*, of whom it is said, That they were good Kings; they did not cut down the Groves and Highs;

High-places, but suffer'd the People still to burn Incense, and commit Idolatry in them: So Sir *Anthony Saint-Leger*, the Earl of *Sussex*, Sir *Henry Sidney*, and Sir *John Perrot*, were good Governors, but they did not abolish the *Irish Customs*, nor execute the Law in the *Irish Countries*, but suffer'd the People to worship their barbarous Lords, and to remain utterly ignorant of their Duties to God and the King.

And now I am come to the happy Reign of my most Gracious Lord and Master King *James*; in whose Time, *as there hath been a Concurrence of many great Felicities*: so this among others may be numbred in the first Rank; that all the Defects in the Government of *Ireland* spoken of before, have been fully supplied in the first nine Years of his Reign. In which time there hath been more done in the Work and Reformation of this *Kingdom*, than in the 440 Years, which are past since the Conquest was first attempted.

Howbeit, I have no purpose in this Discourse, to set forth at large all the Proceedings of the State here in reforming of this Kingdom, since his Majesty came to the Crown, for the Parts and Passages thereof are so many, as to express them fully, would require several Treatises. Besides, I for my Part, since I have not flatter'd the former Times, but have plainly laid open the Negligence and Errors of every Age that is past, would not willingly seem to flatter the present, by amplifying the Diligence and true Judgment of those Servitors, that have laboured in this Vineyard since the beginning of his Majesty's happy Reign.

I shall therefore summarily, without any Amplification at all, shew in what Manner, and by what Degrees, all the Defects which I have noted before in the Government of this Kingdom, have been supplied since His Majesty's happy Reign began; and so conclude those Observations concerning the State of *Ireland*.

First then, touching the Martial Affairs, I shall need to say little, in regard that the War which finished the Con-

Conquest of *Ireland*, was ended almost in the Instant, when the Crown descended upon his Majesty ; and so there remained no Occasion to amend the former Errors committed in the Prosecution of the War. Howbeit, since his Majesty hath still maintained an Army here, as well *For a Seminary of Martial Men* ; as to Give Strength and Countenance to the Civil Magistrate ; I may justly observe, that this Army hath not been fed with *Coigne and Livery, or Ses*s (with which Extortions the Soldier hath been nourish'd in the times of former Princes) but hath been as *Justly and Royally paid, as ever Prince in the World did pay his Men of War*. Besides, when there did arise an Occasion of Employment for his Army against the Rebel *O doghertie* ; neither did His Majesty delay the re-inforcing thereof, but instantly sent Supplies out of *England* and *Scotland* ; neither did the martial Men dally or prosecute the Service faintly, but did forthwith quench that *Fire, whereby themselves would have been the warmer*, the longer it had continued, as well by the Encrease of their Entertainment, as by Booties and Spoil of the Country. And thus much I thought fit to note, touching the Amendment of the Errors in the Martial Affairs.

Secondly, For the Supply of the Defects in the Civil Government, these Courses have been pursued since his Majesty's prosperous Reign began.

First, albeit upon the end of the War, whereby *Tyrone's* universal Rebellion was suppress'd, the Minds of the People were broken and prepared to Obedience of the Law ; yet the State, upon good Reason, did conceive, that the publick Peace could not be settled, till the Hearts of the People were also quieted, by securing them from the Danger of the Law, which the most part of them had incurred one Way or other, in that great and general Confusion.

Therefore, first by a general *Act of State*, called the *Act of Oblivion*, published by *Proclamation* under the Great-Seal, All Offences against the Crown, and all particular Trespasses between Subject and Subject, done at any

any Time before His Majesty's Reign, were (to all such as would come in to the Justices of Assize by a certain Day, and claim the Benefit of this Act) pardoned, remitted, and utterly extinguished, never to be revived or called in question. And by the same Proclamation, all the *Irishry* (who for the most part, in former times, were left under Tyranny of their Lords and Chieftains, and had no Defence or Justice from the Crown) were received into His Majesty's *immediate Protection*. This bred such Comfort and Security in the Hearts of all Men, as thereupon ensued the calmest and most universal Peace, that ever was seen in *Ireland*.

The publick Peace being thus established, the State proceeded next to establish the publick Justice in every part of the Realm. And to that end, Sir *George Carey* (who was a prudent Governor, and a just, and made a fair Entry into the right way of Reforming this Kingdom) did in the first Year of His Majesty's Reign, make the first Sheriffs that ever were made in *Tyrone* and *Tyrconnel*; and shortly after sent Sir *Edmund Pelham* Chief Baron, and my self thither, the first Justices of Assize that ever sat in those Countries: and in that Circuit, we visited all the Shires of that Province besides; which Visitation, though it were somewhat distasteful to the *Irish* Lords, was sweet and most welcome to the common People; who, albeit they were rude and barbarous, yet they quickly apprehended the difference between the Tyranny and Oppression under which they lived before, and the just Government and Protection which we promised unto them for the time to come.

The Law having made her Progress into *Ulster* with so good Success, Sir *Arthur Chichester* (who with singular Industry, Wisdom, and Courage, hath now for the space of Seven Years and more, prosecuted the great Work of Reformation, and brought it well-near to an absolute Perfection) did in the first Year of his Government, establish two other new Circuits for Justices of Assize; the one in *Connaught* and the other in *Munster*. I
call

call them new Circuits, for that, although it be manifest by many Records, that *Justices itinerant* have in former times been sent into all the Shires of *Munster*, and some part of *Connaught*; yet certain it is, that in two hundred Years before (I speak much within compass) no such Commission had been executed in either of these two Provinces. But now, the whole Realm being divided into Shires, and every bordering Territory, whereof any doubt was made in what County the same should lie, being added or reduced to a County certain (among the rest, the *Mountains* and *Glyns* on the *South* side of *Dublin*, were lately made a Shire by it self, and called the County of *Wicklow*;) whereby the Inhabitants, which were wont to be Thorns in the side of the *Pale*, are become civil and quiet Neighbours thereof,) the Streams of the publick Justice were derived into every part of the Kingdom; and the Benefit and Protection of the Law of *England* communicated to all, as well *Irish* as *English*, without Distinction or Respect of Persons; by reason whereof, the Work of deriving the publick Justice grew so great, as that there was *Magna missis, sed operarii pauci*. And therefore the Number of the Judges in every Bench was increased, which do now every half Year (like good *Planets* in their several *Spheres* or *Circles*) carry the Light and Influence of Justice, round about the Kingdom; whereas the Circuits in former times went round about the *Pale*, like the Circuit of the *Cinofura* about the *Pole*.

Quæ cursu interiore brevi convertitur orbe.

Upon these Visitations of Justice, whereby the just and honourable Law of *England* was imparted and communicated to all the *Irishry*, there followed these excellent good Effects.

First, the common People were taught by the Justices of *Affize*, that they were free Subjects to the Kings of *England*, and not Slaves and Vassals to their pretended Lords: That the *Cuttings*, *Cosheries*, *Seffings*, and other Extortions

Extortions of the Lords, were unlawful, and that they should not any more submit themselves thereunto, since they were now under the Protection of so just and mighty a Prince, as both would and could protect them from all Wrongs and Oppressions: They gave a willing Ear unto these Lessons; and thereupon, the Greatnes and Power of these *Irish Lords* over the People, suddenly fell and vanished, when their Oppressions and Extortions were taken away, which did maintain their Greatness: Insomuch, as divers of them, who formerly made themselves Owners of all (by Force) were now by the Law reduced to this Point; That wanting Means to defray their ordinary Charges, they resorted ordinarily to the Lord Deputy, and made Petition, that by Licence and Warrant of the State, they might take some Aid and Contribution from their People; as well to discharge their former Debts, as for competent Maintenance in Time to come: But some of them being impatient of this Dimunition, fled out of the Realm to foreign Countries. Whereupon, we may well observe, That, *As Extortion did banish the old English Freeholder, who could not live but under the Law; so the Law did banish the Irish Lord, who could not live but by Extortion.*

Again, these Circuits of Justice (did upon the End of the War) more terrify the loose and idle Persons, than the Execution of the Martial Law, though it were more quick and sudden; and in a short time after, did so clear the Kingdom of Thieves, and other capital Offenders, as I dare affirm, that for the space of five Years last past, there have not been found so many Malefactors worthy of Death in all the six Circuits of this Realm (which is now divided into Thirty-two Shires at large) as in one Circuit of six Shires; namely, the western Circuit in *England*; for the truth is, that in time of Peace, the *Irish* are more fearful to offend the Law, than the *English*, or any other Nation whatsoever.

Again, whereas the greatest Advantage that the *Irish* had of us in all their Rebellions, was, *Our Ignorance of their*

their Countries, their Persons, and their Actions : Since the Law and her Ministers have had a Passage among them, all their Places of Fastness have been discovered and laid open ; all their Passes cleared ; and Notice taken of every Person that is able to do either good or hurt. It is known, not only how they live, and what they do, but it is foreseen what they purpose or intend to do : Insomuch, as *Tyrone* hath been heard to complain, that he had so many Eyes watching over him, as he could not drink a full Carouse of Sack, but the State was advertised thereof, within few Hours after. And therefore, those Allowances which I find in the ancient Pipe-Rolls, *Pro guidagio & spagio*, may be well spared at this Day. Under-Sheriffs and Bailiffs-errant, are better Guides and Spies in the time of Peace, than any were found in the Time of War.

Moreover, these civil Assemblies at Assizes and Sessions have reclaimed the *Irish* from their Wildness, caused them to cut off their Glibs and long Hair ; to convert their Mantles into Cloaks ; to conform themselves to the manner of *England* in all their Behaviour, and outward Forms. And because they find a great Inconvenience in moving their Suits by an Interpreter ; they do for the most part send their Children to Schools, especially to learn the *English* Language : So as we may conceive and hope, that the next Generation will in Tongue and Heart, and every way else, become *English* ; so as there will be no Difference or Distinction, but the *Irish* Sea, betwixt us. And thus we see a good Conversion, and the *Irish* Game turned again.

For heretofore the Neglect of the Law made the *English* degenerate, and become *Irish* ; and now, on the other side, the Execution of the Law doth make the *Irish* grow civil, and become *English*.

Lastly, these general Sessions now do teach the People more Obedience, and keep them more in Awe, than did the general Hoftings in former times. These Progresses of the Law renew and confirm the Conquest of *Ireland* every half Year, and supply the Defect of the King's Absence

Absence in every part of the Realm; in that every Judge sitting in the Seat of Justice, doth represent the Person of the King himself.

These Effects hath the Establishment of the publick Peace and Justice produced, since His Majesty's happy Reign began.

Howbeit, it was impossible to make a Commonwealth in *Ireland* without performing another Service, which was the settling of all the Estates and Possessions, as well of *Irish* as *English*, throughout the Kingdom.

For, although that in the 12th Year of Queen *Elizabeth*, a special Law was made which did enable the Lord Deputy to take Surrenders, and re-grant Estates to the *Irishry* (upon Signification of her Majesty's Pleasure in that behalf;) yet were there but few of the *Irish Lords* that made offer to surrender during her Reign; and they who made Surrenders of entire Countries, obtained Grants of the whole again to themselves only; and to no other; and all in Demeasne. In passing of which Grants, there was no Care taken of the inferior Septs of People, inhabiting and possessing these Countries under them, but they held their several Portions in Course of *Tanistry* and *Gavelkind*, and yielded the same *Irish* Duties and Exactions, as they did before: So that upon every such Surrender and Grant there was but one Freeholder made in a whole Country, which was the Lord himself; all the rest were but Tenants at Will, or rather Tenants in Villenage, and were neither fit to be sworn in Juries, nor to perform any publick Service: And by reason of the Uncertainty of their Estates, did utterly neglect to build, or to plant, or to improve the Land. And therefore, although the Lord was become the King's Tenant, his Country was no whit reformed thereby, but remained in the former Barbarism and Desolation.

Again, in the same Queen's Time, there were many *Irish Lords* who did not surrender, yet obtained Letters Patents of the Captainships of their Countries, and of all Lands and Duties belonging to those Captainships: For the Statute which doth condemn and abolish those

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Captainries usurped by the *Irish*, doth give Power to the Lord Deputy to grant the same by Letters Patents. Howbeit, these *Irish Captains*, and likewise the *English*, who were made Seneschals of the *Irish Countries*, did, by colour of these Grants, and under pretence of Government, claim an *Irish Seigniory*, and exercise plain Tyranny over the common People. And this was the Fruit that did arise of the Letters Patents granted of the *Irish Countries* in the time of Queen *Elizabeth*, where before they did extort and oppress the People only by colour of a lewd and barbarous Custom; they did afterwards use the same Extortions and Oppressions by Warrant under the great Seal of the Realm.

But now, since his Majesty came to the Crown, two special Commissions have been sent out of *England* for the settling and quieting of all the Possessions in *Ireland*; the one for accepting Surrenders of the *Irish* and degenerate *English*, and for re-granting Estates unto them, according to the Course of the common Law: The other for strengthning of defective Titles: In the Execution of which Commissions, there hath ever been had a special Care, to settle and secure the Under-Tenants; to the end, there might be a Repose and Establishment of every Subject's Estate; Lord and Tenant, Freeholder and Farmer, throughout the Kingdom.

Upon Surrenders, this Course hath been held from the beginning; when an *Irish Lord* doth offer to surrender his *Country*, his Surrender is not immediately accepted, but a Commission is first awarded, to enquire of Three special Points. First, of the Quantity and Limits of the Land whereof he is reputed Owner. Next, how much himself doth hold in demeasne, and how much is possest by his Tenants and Followers. And Thirdly, what Customs, Duties, and Services, he doth yearly receive out of those Lands. This Inquisition being made and returned, the Lands which are found to be the Lord's proper Possessions in demeasne, are drawn into a *Particular*; and his *Irish Duties*, as *Cofferings*, *Seffings*, *Rents of Butter*, and *Oat-meal*, and the like, are reasonably valued and

and reduced into certain *Sums of Money*, to be paid yearly in lieu thereof. This being done, the Surrender is accepted; and thereupon a Grant passed, not of the whole Country, as was used in former Times, but of those Lands only, which are found in the Lord's Possession, and of those certain Sums of Money, as Rents issuing out of the rest. But the Lands which are found to be possest by the Tenants, are left unto them, respectively charged with these certain Rents only, in lieu of all uncertain *Irish Executions*.

In like manner, upon all *Grants*, which have past by virtue of the Commission, for defective Titles, the Commissioners have taken special Caution, for Preservation of the Estates of all particular Tenants.

And as for Grants of *Captain-ships*, *Seneschal-ships*, in the *Irish Countries*; albeit, this Deputy had as much Power and Authority to grant the same, as any other Governors had before him; and might have raised as much Profit by bestowing the same, if he had respected his private, more than the publick Good; yet hath he been so far from passing any such in all his time, as he hath endeavour'd to resume all the Grants of that kind, that have been made by his Predecessors; to the end, the inferior Subjects of the Realm should make their only and immediate Dependency upon the Crown. And thus we see, how the greatest part of the Possessions, (as well of the *Irish* as of the *English*) in *Leinster*, *Connaught*, and *Munster*, are settled and secured since his Majesty came to the Crown; whereby the Hearts of the People are also settled, not only to live in Peace, but raised and encouraged to build, to plant, to give better Education to their Children, and to improve the Commodities of their Lands; whereby the yearly Value thereof is already increased double of that it was within these few Years, and is like daily to rise higher, till it amount to the Price of our Land in *England*.

Lastly, the Possessions of the *Irishry* in the Province of *Ulster*, though it were the most rude and unreformed Part of *Ireland*; and the *Seat* and *Nest* of the last

great

Great Rebellion, are now better disposed and established than any the Lands in the other Provinces, which have been past and settled upon Surrenders. For, as the Occasion of the disposing of those Lands, did not happen without the special Providence and Finger of God, which did cast out those wicked and ungrateful Traitors, who were the only Enemies of the Reformation of *Ireland*; so the Distribution and Plantation thereof hath been projected and prosecuted by the special Direction and Care of the King himself; wherein his Majesty hath corrected the Errors before spoken of, committed by King Henry 2. and King John, in distributing and planting the first conquered Lands. For, although there were six whole Shires to be disposed of, His Majesty gave not an entire Country, or County, to any particular Person; much less did grant *Jura Regalia*, or any extraordinary Liberties. For the best *British* *Undertaker* had but a proportion of 3000 Acres for himself, with power to create a Manor, and hold a Court-Baron: Albeit, many of these *Undertakers* were of as great Birth and Quality as the best Adventurers in the first Conquest. Again, his Majesty did not utterly exclude the Natives out of this Plantation, with a purpose to root them out, as the *Irish* were excluded out of the first *English Colonies*; but made a mixt Plantation of *British* and *Irish*, that they might grow up together in one Nation: Only, the *Irish* were in some places transplanted from the Woods and Mountains, into the Plains and open Countries, that being removed (like wild Fruit-Trees) they might grow the milder, and bear the better and sweeter Fruit. And this truly, is the Master-piece, and most excellent part of the Work of Reformation, and is worthy indeed of his Majesty's Royal Pains. For when this Plantation hath taken Root, and been fix'd and settled but a few Years, with the Favour and Blessing of God (for the Son of God himself hath said in the Gospel, *Omnis plantatio, quam non plantavit pater meus, eradicatur*) it will secure the Peace of *Ireland*, assure it to the Crown of *England* for ever; and finally, make it a civil, and a rich, a mighty and a flourishing Kingdom.

I omit to speak of the increase of the Revenue of the Crown, both certain and casual, which is raised to a double proportion (at least) above that it was, by deriving the publick Justice into all parts of the Realm, by settling all the Possessions, both of the *Irish* and *English*, by re-establishing the Compositions; by restoring and resuming the Customs; by reviving the Tenures in *Capite*, and *Knights-Service*; and reducing many other Things into Charge, which by the Confusion and Negligence of former times became concealed and subtracted from the Crown. I forbear likewise to speak of the due and ready bringing in of the Revenue, which is brought to pass by the well ordering of the Court of *Exchequer*, and the Authority and Bains of the Commissioners for Accompts.

I might also add hereunto, the Encouragement that hath been given to the maritime Towns and Cities, as well to increase their Trade of Merchandise; as to cherish mechanical Arts and Sciences; in that all their Charters have been renewed, and their Liberties more enlarged by his Majesty, than by any of his Progenitors since the Conquest. As likewise, the Care and Course that hath been taken, to make civil Commerce and Intercourse between the Subjects newly reform'd and brought under Obedience, by granting Markets and Fairs to be holden in their Countries, and by erecting of corporate Towns among them.

Briefly, the Clock of the civil Government is now well set, and all the Wheels thereof do move in Order; the Strings of this *Irish* Harp, which the civil Magistrate doth finger, are all in tune (for I omit to speak of the State Ecclesiastical) and make a good Harmony in this Commonweal: So as we may well conceive Hope, that *Ireland*, (which heretofore might properly be called the *Land of Ire*, because the *Irascible* Power was predominant there for the space of 400 Years together) will from henceforth prove a Land of *Peace and Concord*. And though heretofore it hath been like the lean Cow of *Egypt*, in *Pharaoh's Dream*, devouring the fat of *England*, and yet remaining as lean as it was before, it will hereafter be as fruitful

ful as the Land of *Canaan*; the Description whereof, in the 8th of *Deuteronomy*, doth in every part agree with *Ireland*; being *Terra rivotum, aquarumque & fontium*; in *cujus campis, & Montibus, erumpunt fluviorum abyssi*; *terra frumenti & hordei*; *terra lactis & mellis, ubi absque ulla penuria comedes panem tuum, & rerum abundantia perfrueris*.

And thus I have discover'd, and express'd the Defects and Errors, as well in the managing of the Martial Affairs, as of the Civil; which in former Ages gave Impediment to the reducing of all *Ireland* to the Obedience and Subjection of the Crown of *England*. I have likewise observed what Courses have been taken to Reform the Defects and Errors in Government, and to reduce the People of this Land to Obedience, since the beginning of the Reign of K. *Edw. 3.* till the latter end of the Reign of Queen *Elizabeth*.

And lastly, I have declared and set forth, *How all the said Errors have been corrected, and the Defects supplied under the prosperous Government of his Majesty*; so as I may positively conclude in the same Words, which I have used in the Title of this Discourse; *That until the Beginning of his Majesty's Reign, Ireland was never entirely subdued, and brought under the Obedience of the Crown of England*. But since the Crown of this Kingdom, with the undoubted Right and Title thereof, descended upon his Majesty; the whole Island from Sea to Sea, hath been brought into his Highness peaceable Possession; and all the Inhabitants, in every Corner thereof, have been absolutely reduced under his immediate Subjection. In which condition of Subjects, they will gladly continue, without Defection, or adhering to any other *Lord* or *King*, as long as they may be *Protected*, and *justly Governed*, without *Oppression* on the one side, or *Impunity* on the other. For there is no Nation of People under the Sun that doth love equal and indifferent Justice better than the *Irish*; or will rest better satisfied with the Execution thereof, although it be against themselves; so as they may have the Protection and Benefit of the Law, when upon just Cause they do desire it.

FINIS.



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Exhibit



